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SCOTLAND

UNDER HER EARLY KINGS

A HISTORY OF THE KINGDOM

TO THE CLOSE OF THE THIRTEENTH CENTURY

BY

E. WILLIAM ROBERTSON

VOL. I.

EDINBURGH

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PREFACE.

The present work has no pretensions to anything beyond being an attempt at supplying a hiatus in the history of Scotland which has hitherto been left unfilled. By the few historians who, in days gone by, devoted their attention to the subject, the earlier portion of Scottish history, more especially the period before the reign of Malcolm Ceanmore, seems to have been tacitly abandoned as a battle-ground for theorists—a sort of debateable land upon which they attacked or defended their various systems, wielding their feathered weapons with quite as much hostility as ever Pict, Scot, or Attacot displayed in actual combat, though (perhaps more fortunately for themselves than for their readers) without similarly fatal consequences. In the company of these enthusiasts I first endeavoured to trace out the history of the past, until, dissatisfied with my guides, I turned to chartulary and chronicle, with the result which is now before the reader.

I feel that an apology may be needed for the length and number of the Appendices, some of which will, perhaps, appear at first sight to have but little reference to the history of Scotland. Many questions, however, had to be discussed, many points to be raised or settled, which, though possessing little interest for the general reader, could not be passed over altogether; and such discussions, accordingly, I decided upon consigning to the Appendix. It will also be found that I have, not unfrequently, wandered from the beaten track; and wherever I have differed from usually received opinions I have felt bound to record my reasons for doing so. The remaining Appendices, though they may occasionally be devoted to questions comparatively foreign to Scottish history, embody the reasons which have guided me in forming many of my conclusions. I am very far from implying that it would have been impossible to write the early history of Scotland without entering upon the subjects of which they treat; I only plead my own inability to do so.

I have nothing more to add except that, as I put forward no claim to infallibility, and as my sole object has been to ascertain the truth, wherever it is clearly shown that I have failed in arriving at the end in view, I shall unhesitatingly acknowledge myself to have been mistaken. I have already sacrificed too many theories to object to the neces-

sary immolation of as many more as may be proved to be erroneous; for historical accuracy will scarcely be attained by too rigid an adherence to preconceived ideas. The kindly interest and encouragement with which my work has been received by those whom I have long been accustomed to regard as the first living authorities upon the subjects of which it treats, and to whose contributions to Scottish history it really owes any merits it may possess, have been, I need not say, extremely gratifying to me. I trust I may accept this as an omen of success, and as an assurance that I have not uselessly sacrificed both time and labour in endeavouring to shed a few more rays of light upon the early history of the land of my forefathers.

Nether Seale Hall, Ashby de la Zouche,
September 6, 1862.

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History of Scotland

TO THE CLOSE OF THE 13TH CENTURY.

CHAPTER I.

The Early History—Before A.D. 843.

Britain, dimly recognisable in the vague accounts given by Hecatæus of a large island off the coast of Gaul inhabited by a sacred race of *Hyperboreans*, and sometimes even disputing with Iceland the questionable honour of having been known as *Ultima Thule*, owes her first introduction within the pale of authentic history to the ambitious policy of the Cæsars. The historian, however, finds little worth recording about the northern districts during the Roman occupation of the island, and that little belongs rather to the province of the antiquary. A transitory gleam of light is shed upon the subject by the pen of Tacitus; but the campaigns of Agri- A.D. 80-4.
cola were unproductive of results, and northern Britain again sinks into obscurity until the Emperor Hadrian deemed it necessary for the protection of the Roman province to throw up a turf rampart across the narrowest portion of the island, extending A.D. 120.
from the Solway to the Tyne. Twenty years later another was added between the Forth and Clyde, connecting the old line of forts erected by Agricola, and known, from the reign in which it was built, as

the Wall of Antonine; but after a fruitless struggle of sixty years the whole of the district between these walls was abandoned by Severus, when he raised a third rampart, built of stone, immediately to the northward of the original bulwark. From this
A.D. 208. period the Roman province was bounded by the southern wall, and though towards the close of the fourth century the energy of Theodosius reasserted the dominion of the empire over the district between
A.D. 369. Forth and Tyne, which now received the name of Valentia in honour of the Emperor Valens, the newly-established province was soon relinquished, and about the opening of the following century Britain was finally abandoned by her ancient masters. Long before this period the incursions of the northern tribes upon the Roman province
A.D. 407. had become incessant, and some idea may be formed of the distance to which they occasionally penetrated, from the account left by Ammianus Marcellinus, that Theodosius, after landing at *Rutupe*, the modern Richborough, was obliged to fight his way through Kent, swarming with their hostile bands, before he could reach the capital, Augusta, described by the historian as "an old town formerly known as London." Their earlier title of Caledonians had by this time disappeared, and they were generally known as Picts, a name including the two great divisions of Vecturiones and Dicaledones, answering apparently to the later confederacies of northern and southern Picts.*

Britain after the departure of the legionaries

* *Amm. Marc.* l. 28, c. 8. In a treatise, "de situ Britanniæ," palmed off upon Richard of Cirencester, the district beyond the northern wall is erected into a province, and called *Vespasiana*, a name which in itself is a palpable blunder of the age which attributed every Roman relic in Scotland to the time of Agricola. The work abounds in internal evidence of its falsity. Ves-

appears to have suffered her full share of the calamities of that disastrous epoch, and the episodes of invasion and conquest enacted throughout the continental provinces of the expiring empire were repeated with similar results, within the narrower limits of her ancient island dependency. A continuous stream of Teutonic invaders poured without ceasing upon her shores, Jutes, Saxons, and Frisians peopling the south-eastern coasts, whilst further towards the north swarmed the Anglian tribes who were destined to fix an imperishable name upon the island. Towards the middle of the sixth century an additional impetus appears to have been given to the torrent of Anglian invasion by the arrival of Ida, the reputed founder of the Northumbrian kingdom, and leader of the Bernician Angles, whose descendants formed so important an element in the Teutonic population of southern Scotland. No record of his prowess is to be found in the annals of his countrymen; his name alone survives with that of his forgotten foe, "the dark lord"—Dutigern; but the precipitate flight of the British bishop from York, the sudden extinction of Christianity throughout the diocese, the name of *Gwrth Bryneich*—or Bernicia's thraldom—by which the famous fortress of Bamborough was known amongst the conquered people, and the ominous title of "the Flame-Bearer," applied to the mighty Angle in the lays of the

pasiana is said to have received the name in honour of the Flavian family, and in compliment to Domitian "in whose reign it was conquered" (l. 2, c. 6, s. 50), and with *Mœata* to have been lost under Trebellius, the successor of Lucullus, who had been put to death by Domitian (l. 2, c. 2, s. 16): but of these two provinces, which must have been created by his own father-in-law, Tacitus, writing during the reign of Trajan, displays a profound ignorance. Valentia again, the creation of Theodosius, about 369, is said to have been made a consular province by Constantine, who died two and thirty years before! (l. 1, c. 6, s. 3.) Such are a few specimens of the stupid blunders of its fabricator Mr. Bertram.

hostile bards, sufficiently attest the ruthless energy with which he extended the dominion of his race from the marshy plains of Holderness to the distant islets of the Forth.* From the Humber to the Tyne the country was known amongst the Britons as *Deheubarth*, or "the southern part," whilst beyond that river and the ruins of the southern wall, the district stretching to the Forth was distinguished as *Bryneich*, or "the country of the braes;" and it was within the boundaries of the latter province that the Anglian population of the Lothians first established themselves as conquerors in the land which their descendants still occupy.

Ida fell in battle, slain, say the British authorities, by Owen of Reged, whose father Urien, the favourite hero of the bards, and a warrior from whom many a laurel has been stolen to adorn the chaplet of the fabulous Arthur, was hailed unanimously as leader of a confederacy which was to drive the invader from the soil. The tide of conquest was now rolled back upon the Angles, Bryneich was recovered, and the sons of Ida were driven from the land, when at the very moment of his triumph the bravest champion of his race fell by the dagger of "Llovan of the accursed hand," and his death was fatal to his countrymen. Step by step the Angles recovered their ascendency, winning their way at the point of the sword, until the whole of the eastern coast was wrested from its original possessors, confined henceforth to the westward of "the Desert," and the Northumbrian kingdoms of Deira and Bernicia rose out of the ruins of the conquered British principalities.†

* *Nen. Geneal.* The See of Dôl, in Brittany, dates its rise from the flight of Bishop Samson from York.

† *Nen. Geneal.*—*Llywarch, Marwnad Urien* and *Taliesin*, quoted by *Carte*, vol. i. p. 209, and by *Turner*, *Ang. Sax.*, bk. 2, c. 4. A translation of the latter poem will be found in

A solitary entry in the annals of the Irish abbot, Tighernach, affords the earliest historical testimony of the arrival of a small, but in many respects a remarkable, band of colonists, about fifty years before the settlement of an Anglian population in the Lothians, upon the rocky and indented coasts of southern Argyle. Fergus Mor MacEarca, a chief- A. D. 502. tain of the Irish Gael, was their leader, and the north-eastern extremity of the modern county of Antrim, which, at that time, formed part of the territories of the Irish Picts, was the locality which they abandoned when they crossed the channel in their leathern coracles in search of another home upon the shores of Britain. Amidst the lakes and mountains to the southward of Loch Linne, Fergus and his followers fixed their new abode; and the limits of his petty kingdom, which were never enlarged, are still traceable in the names implanted by succeeding princes upon the dependent districts of Lorn, Cowal, and Kintyre. These principalities, with a few of the islands off the coast of southern Argyle, made up, collectively, the whole of the kingdom of Dalriada—for such was its real name; though in the Latin chronicles of a later age, Fergus and his descendants invariably appear under the more familiar appellation of "Kings of the Scots." The annals of the Dalriads are totally devoid of interest before the reign of Conal, fourth in succession from Fergus Mor, who, by the shelter he afforded to

Camb. Reg. v. 3, p. 433, fully justifying the regrets of Turner "that any historical poem should be translated into verse." A tract of hill and moor, stretching from Derbyshire into Scotland, is often known in the early chroniclers as "Desertum," the waste or desert. The battle in which Ida fell was probably the famous "battle of Badon," which, according to Taliesin, "avenged the blood of the lords of the north," and Urien was, I suspect, the "good and valiant uncle," for opposing whom Gildas blames Maelgwn Gwynnedd.

the exiled Abbot of Durrow, indirectly furthered the conversion of the northern Picts to Christianity.*

It was in consequence of a feud between the leading clans of the royal race of Ireland, that the apostle of the northern Picts first quitted the home of his earlier years and dedicated the remainder of his life to the labours of a missionary. On the occasion of one of those great meetings of the clergy and laity of Ireland, to which such frequent allusion is made in her annals, a son of Aodh, king of Connaught, who happened to be present in full reliance upon a promise of immunity from Columba, was seized and put to death by order of Dermot MacKerval, lord of the southern Hy Nial, and at that time *Ardrigh*, or supreme king of Ireland. Columba, who was then abbot of Durrow, was also a member of the same great sept, and closely allied by birth to the king of one of the northern branches—the Clan Conal; and his kinsmen, bound by the usual ties of relationship to avenge the insult, uniting with the king of Connaught, inflicted so severe a defeat upon the aggressor, that his whole wrath was turned upon Columba, whom he caused to be excommunicated by the leading clergy of Meath. Dreading the further effects of his enemy's vengeance, Columba bade adieu to his native land; and, under the curse of man, sought those shores to which, under the blessing of God, he was destined to become, indeed, a messenger of good tidings.†

* *Tigh.* 502, 574. *Adam. Vit. Col.* (*Reeves*), App. 2, p. 435. *Bed. Ecc. Hist.*, l. 3, c. 3. According to Beda, the grant of Iona was made by the Pictish king, and the question is a matter of dispute—as what question in early Scottish history is not? Dr. Reeves, the learned editor of Adamnan, is inclined to a compromise, Conal granting, and Bruidi confirming, the grant.

† *An. F. M.* (*O'Donovan*), 554, and Note; and *Adam. Vit. Col.* (*Reeves*), *passim.* The great family of the *Hy Nial* supplied the *Ardrighs* or kings paramount of Ireland, uninterruptedly from the dawn of authentic history, until their power was shaken by the

Arriving with the usual complement of twelve followers, off the coast of Argyle, he obtained permission from Conal, king of the Dalriads, to appropriate the little island of Iona, and after employing himself for two years in establishing and regulating his brotherhood, he prepared to enter upon his allotted task, and to penetrate across the mountain barrier of Drumalban. Not far from the spot where A. D. 565. the river Ness issues from the parent lake of which it assumes the name, there still exist the vestiges of an ancient earthwork, ascribed by the tradition of the country to a Pictish king; and thither Columba and his companions bent their steps, for Bruidi MacMalcon, who at this time held supreme sway over both divisions of the Picts, held his court within the ramparts of this *Rath* or *Dun*. As the arrival of the Christian missionary appears to have been expected, he was opposed by a number of the Pictish Druids, but as their hostility seems to have been limited to the use of incantations and enchantments, little real hindrance could have been offered to his progress, and he reached, without difficulty, the residence of the king. As the gates of the royal fortress close upon the little band, all knowledge ceases of the further proceedings of Columba; the bare record of the success of his mission has descended to posterity, and the people acquiescing, as in duty bound, in their sovereign's renunciation of idolatry, both divisions of the Pictish people were henceforth united in belief.*

Northmen. The northern branch was sub-divided into the *Cinel Eogan* and *Cinel Conal*, more familiarly, but less accurately, known as Tyrone and Tirconnell; the southern into *Clan Colman* and *Siol Aodh Slane*.

* *Tigh.* 563. *Bed. Hist. Ecc.*, l. 3, c. 4, 5, 26. *Adam. Vit. Col.* (*Reeves*), l. 1, c. 37; l. 2, c. 35. *Craig Phadrick* is supposed by Dr. Reeves to represent the *Rath* of Bruidi. The southern Picts had been already converted by

An interesting description of the disciples and successors of Columba has been handed down in the pages of a writer, whose difference with the Gaelic clergy in certain trivial points of faith did not blind him to the virtues and real merits of the earliest apostles of Christianity to his own heathen forefathers. Shut out in their distant northern home from the knowledge of synodical decrees, and constrained to seek their doctrine and rule of conduct in the writings of the prophets, the evangelists, and the apostles, the simple denizens of the sea-girt Iona were conspicuous for the purity of their unblemished morals, for their fervent attachment to their divine Master, and for their strict adherence to the precepts and traditions of the revered founder of the brotherhood. As they preached so they practised, their own blameless manner of life affording the best commentary on their doctrine; and when they issued forth from their monastery to baptise and to instruct, to convert the infidel and to strengthen the believer, the offerings forced upon them by the gratitude of the powerful and the rich were employed in relieving the wants of the poor and in alleviating the sufferings of the sick —in restoring freedom to the captive and in purchasing liberty for the slave. Such is the picture drawn by the venerable Beda of Aidan and his fellow-labourers in the work of converting the Angles of Northumbria; worthy inheritors of the virtues

Ninian, a British bishop, according to Beda (l. 3, c. 4); and if the conjecture is correct which assigns this conversion to the early part of the fifth century, it must have been effected during their temporary occupation of the province of Valentia. If reliance can be placed on traditional chronology, the migration of *Cynedda Gwladig*, the ancestor of the "noble tribes" of Wales, from *Manau Guotodin*—supposed to mean the "Debateable Land" between Picts, Scots, Angles, and Britons [*Adam. Vit. Col.* (*Reeves*), p. 371, d.]—must have taken place about the same period, and was caused, probably, by the encroachments of the Picts.

and devotion of Columba, and bright examples of the pure and simple piety inspired by the zeal of Patrick amongst the early fathers of his church.*

For about a century and a half after the arrival of Columba, Iona continued in the position of the leading monastery of the north, extending her authority over many parts of Ireland, and bidding fair at one time to establish a similar influence throughout southern Britain, until a dispute about matters of comparatively trivial importance abruptly severed her connection with Northumbria. A difference of opinion had long existed between the clergy of the Picts, Britons, and northern Irish, on the one hand, and the followers of Augustine amongst the Anglo-Saxons, on the other, together with the ecclesiastics of southern Ireland, who had been latterly brought to conform to the practice authorised by the see of Rome. The proper time for the celebration of the Easter festival, and the orthodox form of the clerical tonsure, were the subjects in dispute; and though the former was clearly a question of astronomical calculation, and the tonsure was a badge of Paganism in the days of the primitive church, both points originated frequent and animated discussions, and were debated in the seventh century as important matters of faith. Colman and his A. D. 664.
followers, at the celebrated conference of Whitby, had bade adieu to their adopted country sooner than relinquish the practice they had inherited from their predecessors; and fifty years later a similar tenacity in favour of "ancient customs" brought about the expulsion of the clergy of Iona from the territories of the Pictish sovereign. Nectan MacDeriloi, in consequence of a difference of opinion with his clergy

* *Beda*—as above.

about the points in question, dispatched envoys to Ceolfred, abbot of Wearmouth, requesting his decision upon the matters in dispute, and, at the same time, inviting the assistance of Saxon architects to build a stone church after the approved Roman model. The abbot responded to both appeals, and though every vestige of the stone church has long since disappeared, the letter of Ceolfred may still be read in the pages of the historian Beda. It strengthened and confirmed the king in his own convictions, and
A. D. 717. he decided that his clergy should conform accordingly; but they were as firm in their resolution as Colman; and Nectan, summarily ordering them across Drumalban, appears to have transferred to his recent foundation (which seems to have been Abernethy) the pre-eminence amongst the monasteries of northern Britain, which had hitherto been the peculiar prerogative of Iona.*

Whilst the arrival of the Angles upon the coasts of Valentia is dimly traceable in the scanty records of the period, and the settlement of the Dalriads in a portion of Argyle is historically noticed by the earliest annalist of Ireland, a barren and corrupt, but singularly accurate list of uncouth names is the sole record of the Pictish people before the opening of the seventh century, when the confusion resulting

* *Bed. Hist. Ecc.*, l. 5, c. 24. *Tigh.* 717. The foundation of Abernethy is ascribed by the chronicle of the Picts to a Nectan, who lived 300 years before this reign, but I suspect the later builder of the "stone church" was the real founder. Innes (Ap. ii, v.) quotes from the book of Paisley, "In illa ecclesiâ (Abernethy), fuerunt tres electiones factæ quando non fuit nisi unus solus episcopus in Scociâ. Tunc enim fuit ille locus principalis regalis et pontificalis per aliqua tempora tocius regni Pictorum." As the "primacy" originally vested in Iona, passed subsequently to Dunkeld and St. Andrews, neither of which were in existence before the early part of the ninth century, it may be inferred that, during the intervening period, it remained with Abernethy. It was usually vested in the *Cowarb*, or representative of the original founder; and its leading priveleges were the *Lex*, or right to *Can* and *Cuairt*—tribute and free quarters—and other dues.

upon the death of the Northumbrian Ethelfrith compelled his children to seek a refuge amongst the friendly people of the north. The bitter spirit of animosity engendered in the Angles by their incessant hostilities with the Britons is hardly traceable in their early relations with the Picts, and accordingly a ready welcome was extended to the youthful exiles, who were instructed in the knowledge of the Christian faith by the Gaelic clergy, and sheltered for fifteen years beyond the protecting barrier of the Forth. The residence of the Northumbrian *Athelings* amongst the Picts was productive of important consequences; Eanfred, the eldest of the brothers, became the husband of a Pictish princess—and their son Talorcan was numbered amongst the Pictish kings—whilst Oswald, after recovering his father's throne, sought from amongst the instructors of his early youth those holy men through whose assistance he hoped to spread abroad amongst his people the blessings of the novel faith which he had learnt to prize so dearly.*

After the death of this amiable prince upon the fatal field of Winwed, the ties of affection and good will which had hitherto united the sons of Ethelfrith with the people who had sheltered them in adversity were severed during the reign of his harsher brother Oswy, and exchanged for the galling bonds of conquest. Province after province bowed to the Anglian yoke, until the majority of the neighbouring Pictish princes were ranged with the Dalriads, who shared the same lot, amongst the tributaries of the Northumbrian sovereign, and though they endeavoured to regain their liberty when Egfrid ascended the throne, A. D. 670. their premature attempt only served to rivet their fetters more securely. About eleven years later a

* *Bed. Hist. Ecc.*, l. 3, c. 1, 3.

yet more decisive step was taken towards the permanent annexation of the tributary Pictish provinces, and Egfrid, when he divided the overgrown diocese of Wilfrid into the Sees of York, Hexham, and Lindisfarne, appointed Trumwine to the bishopric of the Picts, choosing Abercorn, upon the southern bank of
A.D. 681. the Forth, as the seat of the new Episcopate.*

Five years after the erection of the See of Aber-
A.D. 685. corn, for some unknown cause, Egfrid, repeating the ravages of his Irish expedition of the previous year, poured a mighty army across the Forth, burning the *Raths* of Tulach-Aman, and Dun Ollaig. His progress was unopposed, and penetrating into the neighbouring province of Angus, he crossed the Tay without resistance, and skirted the base of the Grampian range until he approached the neighbourhood of Lin Garan or Nectan's Mere, a little lake in the modern parish of Dunnichen. Here his antagonist, who was his cousin Bruidi, awaited with his followers the hostile onset, the signal overthrow of the invading force justifying the choice of the position. The victory was as glorious as its consequences were important, Egfrid and the greater part of his army were left upon the field, whilst few escaped from the scene of slaughter to carry back to Northumbria the tidings of her monarch's fall. All that the conquests of thirty years had wrested from the Picts was lost for ever to the race of Ida, and the Saxon bishop, abandoning in terror his See of Abercorn, never rested in his hurried flight until within the walls of Whitby he had placed the whole breadth of Bernicia

* *Bed. Hist. Ecc.*, l. 2, c. 5; l. 3, c. 24; l. 4, c. 2, 12. *Edd. Vit. Wilf.*, c. 19. The *tenero adhuc regno* of Eddius is changed by Malmesbury (*de Gest. Pont.*) into *teneram infantiam reguli*, an expression scarcely applicable to Egfrid, who was twenty-five when he ascended the throne. Thus inaccuracies creep into history.

between himself and his rebellious flock. The Dalriads also recovered their former liberty, and even the Britons enjoyed a momentary independence, and through the losses and embarrassments entailed upon Northumbria by the disastrous overthrow of Egfrid, the pre-eminence of the Northern Angles received a fatal shock which the utmost efforts of succeeding princes failed altogether to repair.*

During the forty years which elapsed after the victory of Nectan's Mere an occasional conflict with the Angles testifies to the embittered feelings which had arisen through Northumbrian aggression; and upon the abdication of Nectan, the correspondent of Ceolfred and somewhat arbitrary reformer of the Gaelic clergy, who after a reign of eighteen years relinquished his throne for the cloister, a contest seems to have arisen between four Pictish kings, which, after five years, terminated in the undisputed ascendancy of Angus Mac Fergus. Fortune proved A. D. 730. true to her favourite, whose alliance was courted at different periods by the Mercian and Northumbrian sovereigns, and in the results of his victories over his various competitors, and of his conquests over the Dalriads and the northern Britons, may be traced apparently the germs of the future kingdom of Scotland.†

Confined within the narrow district to the southward of Loch Linne and to the westward of the mountain range of Drumalban, the Dalriad princes

* *Bed. Hist. Ecc.*, l. 4, c. 26. *Nen. Geneal. Tigh.* 686. *An. Ult.* 685. According to Nennius, no Saxon tax-gatherer ever again took tribute from the Picts. Tribute and a foreign bishop—or abbot—were the true tests of dependence at this period. *Tulach-aman* seems to have been the place often known as *Rath-inver-aman*—"the fort at the mouth of the river Almond," where vestiges of it are I believe still traceable. *Dun Ollaig* was probably a place at which Talorcan of *Atholl* was killed some years later.

† *Tigh.* 726, 728, 729. *An. Ult.* 728. *Bed. Hist. Ecc. Contin.* 740, 750.

exercised but little influence upon the great confederacy of the Picts, their usual opponents being the Britons, and in early times the Angles, against whom both Britons and Dalriads occasionally appear to have united. Their fleet is sometimes mentioned in the Irish annals, a hostile expedition against the Islesmen disclosing the limited extent of their dominion in the western seas.* The most prosperous era in the annals of the little kingdom coincides with Columba's residence in Iona, after Conal, the early patron of the saint, was succeeded by Aidan Mac Gauran, the enterprising and able leader of the clans of Kintyre, the names of whose numerous battles, preserved in the annals and biographies of the period, amply testify to his warlike qualities without throwing much light on the causes of their display. His latest antagonist was the Northumbrian Ethelfrith, from
A. D. 603. whom he received so severe a check at Degsa's Stone, that the Angles were allowed henceforth to prosecute their career of conquest over the Britons without interference from the Dalriads, who with the exception of an occasional contest with their neighbours on the Clyde seem to have turned their attention to the opposite coasts of *Uladh*.† For a quarter of a century and upwards they were tributaries along with the Picts of the Northumbrian kingdom, regain-

* *Adam. Vit. Col.* (*Reeves*), p. 370, note A, p. 435.

† *Bed. Hist. Ecc.*, l. 1, c. 34. *Uladh* may be said to have had three meanings—1. Legendary Uladh, the northern kingdom of Ireland answering very nearly to modern Ulster; 2. Historical Uladh, the province lying to the eastward of Lough Neagh, and the rivers Bann and Newry; 3. Uladh proper, the southern and principal portion of the historical province, answering to the diocese of Down. The other historical divisions were, *Iveagh* on the south-west, answering to the diocese of Dromore, and *Dal-Araidhe* on the north, the "district of the *Airds*," or hill-country, equivalent to the diocese of Connor. *Dalaraide* must not be confounded with *Dalriada*. It was gradually restricted to the northern portion, known as *Tuisceart* or the north.

ing their independence after the battle of Nectan's Mere, though it may be gathered from the words of Adamnan and from certain notices in the annalists, that the predominance in the kingdom passed about this time from Kintyre to the house of Lorn, whose chieftain, Selvach, seems to have rivalled Aidan in the number of his battles, fought generally, as in the case of the latter prince, against the Britons of Strath Clyde. The abdication and death of Selvach were fatal to the supremacy of his house; the authority of his son, Dungal, being quickly confined within the limits of the paternal inheritance, which he was destined a few years later to lose through a wanton outrage upon a connection of the formidable Angus. Bruidi, a son of the Pictish sovereign, appears to have fled for some cause to the island of *Toraic*, where he was followed—or found—by Dungal, who forced him from the sanctuary in which he had taken refuge. The devastation of Lorn in the following year, and the destruction of the two *Raths* of Dunleven and Dunadd, attest the vigour with which Angus avenged the insult; Dungal and his brother Feredach were carried off in chains in the victor's train, and two years later the defeat of Muredach, the last known member of the family, upon the shores of Loch Linne, completed the ruin of the house of Lorn. The scanty records of the period throw no farther light upon the subject, Lorn and its princes disappear from history, and the success of Angus would appear to have extended not only to the conquest of the province in question, but to the temporary subjection of the entire kingdom of Dalriada.*

A. D. 723.

A. D. 730.

A. D. 733.

A. D. 734.

A. D. 736.

* *Tigh.* 723, 726, 734. *An. Ult.* 730, 732, 733, 735, 742. I have touched very slightly upon the annals of Dalriada, a very vexed question, which bears about as much upon the general history of Scotland, as the early annals of Sussex might do upon the general history of England.

The alliance with Ethelbald the Proud seems to have involved Angus in a collision at different epochs with the West Saxons and the Northumbrians, though a connection of a more friendly nature arose at a later period with the Bernician Eadbert, one of the greatest restorers of the Northumbrian power, the alliance being probably based upon the mutual spoliation of the Britons. The conquests of Ethelfrith in the neighbourhood of Chester, and the victories of Edwin in the south-west of Yorkshire, when he drove Ceretic, or Caradoc, from the forest district of Elmete, appear to have made the first impression upon the lengthened tract of country to the westward of "the Desert," the true home of the Cymri, extending from the Severn to the Clyde, in which a number of petty princes and kinglets long united in paying some sort of deference to the authority of one supreme king, or *Unbcn.** The faint remains of a line of defence, dictated possibly by a recollection of imperial tactics, can still be traced towards the north-eastern frontier of this British territory under the name of the *Catrail or Pictswork ditch*, stretching from Peel Fell through the south-western portion of Roxburghshire to Galashiels in Selkirkshire; and to the westward of this barrier the Britons long remained upon a footing of comparative independence, after they had lost all hold upon the more open country in the vicinity.† Mercia, at the period of Edwin's reign, was under the rule of Penda, a chieftain who, to a hatred and contempt of

* *Bed. Hist. Ecc.*, l. 1, c. 34; l. 2, c. 4. *Nen. Geneal.*

† *Caledonia*, b. 2, c. 2. One of the localities in which a battle was fought during the Northumbrian civil wars in this century is called by *Sim. Dun.*, *Eildon;* by the Saxon chronicler, *Edwin's Cliff*. Edwin's *burgh* in Lothian has long supplanted any earlier name which the locality may have borne, but upon the borders of Selkirk forest, and in the neighbourhood of the Catrail, the British *Eildon* has long outlived the Anglian monarch's *Cliff*.

Christianity, joined an ardent desire of shaking off his dependence upon the kindred Angles beyond the Humber, and encouraging the designs of the British princes against the conqueror of Caradoc, he united the pagan warriors of Mercia with the Christian followers of Caswallon, re-establishing the supremacy of the Britons over the ancient city of York, by the defeat and death of Edwin, though the triumph was purchased at the price of the temporary extinction of Christianity. But the alliance between Christian and pagan was of evil omen, and the death of Caswallon in the following year destroyed the hopes of the Britons, though they again swelled the forces of the heathen Penda, when he lost his life near the Broad Arc, Cadwal of Gwynneth alone escaping from the field. Cadwallader, the last king whose authority is supposed to have been supreme, died of the pestilence in 664; and towards the close of the same century the conquests of Egfred extended the Northumbrian dominions to the western coast, and with his numerous donations of lands in the modern counties of Lancashire and Cumberland to the Northumbrian clergy, interposed a permanent barrier between the Britons of North Wales, Cumberland, and Strath Clyde.*

* *Bed. Hist. Ecc.*, l. 2, c. 20; l. 3, c. 1, 24. *Tigh.* 631, 632. *Nen. Geneal.* Egfrid gave to St. Cuthbert Carlisle, with a circuit of fifteen miles, Creke with three miles—in short, all the open country in the north of Cumberland which was thus interposed between that district and Strath Clyde; whilst his donations of South Gedlet and Cartmel "with its Britons," in the north of Lancashire, together with his grants on the Ribble and elsewhere to Wilfrid, shew that the greater part of Lancashire must have intervened between the Britons of English Cumbria and North Wales. Manchester and Whalley, or Billingaheth, were also in the Northumbrian territories. *Sim. Dun. Hist. Dun.*, l. 1, c. 9. *Hist. St. Cuth.*, p. 69. *Edd. Vit. Wilf.*, c. 17. *Chron. Sax.* 798, 923. Nennius states that Cadwallader died of the great plague in Oswy's reign, which can only refer to the pestilence of 664, though he has been purposely confounded with the West Saxon Ceadwalla, who died at Rome in 688. In spite of the assertion of Gildas, that all the records of

Henceforth the ancient confederacy of the Britons seems to have been broken up into the separate divisions of Wales, and English and Scottish Cumbria—or Cumberland and Strath Clyde—never again destined to be reunited under the authority of one supreme *Unben*. During the reign of the Northumbrian Alfred, the Angles began to extend their encroachments from the neighbourhood of Carlisle along the whole of the south-western coast, known in a later age as Galloway, their possessions in this quarter having increased, shortly before the death of Beda, to such an extent as to justify their usual policy of establishing a bishopric; and accordingly, Whithern, or Candida Casa, the traditional see of Ninian, was revived, and placed under the superintendence of a line of Anglian bishops, which was abruptly brought to a close about a century later. The successes of Eadbert reduced the fortunes of the Britons in this quarter to the lowest ebb. Kyle was rendered tributary to Northumbria, which already included
A. D. 756. Cunningham; and shortly after the middle of the century, Alclyde or Dumbarton, the strongest bulwark of the Northern Britons, surrendered to the united forces of the Northumbrians and the Picts. The capture of Alclyde must have thrown the whole of the ancient British territories in the Lennox, which

his countrymen had perished, it was maintained that he had written a history and then destroyed it (*Gild. Capit* 20); and Walter Mapes, bringing a book (as he said) from Brittany, where no other copy has ever been found, gave it to Geoffrey of Monmouth to translate. The work is called in Welsh the *Brut Tyssilio*, and is attributed to a certain Tyssilio living in the seventh century, who writes familiarly of *Scotland*, *Moray*, and *Normandy*, and brings the "Twelve Peers of France" to Arthur's Coronation! Granting the existence of these Twelve Peers, how could Tyssilio, living in the seventh century, have been familiar with the institution of Charlemagne, who died in the ninth? In the nineteenth century the *Brut* has been "done into English" with some very marvellous notes, in which the curious inquirer will find Cæsar refuted by Tyssilio, and Homer corrected by Dares Phrygius!

were subsequently included in the diocese of Glasgow, into the power of Angus, together with a great portion of the "debateable land" between Forth and Clyde, similarly included in the "Cumbrian" diocese; and the little principality of Strath Clyde was now completely hemmed in and surrounded by hostile territories, though the gradual decline of the North-umbrian power towards the close of the eighth century, enabled the petty state to struggle on for another hundred years in a precarious species of nominal independence.*

After the death of Angus MacFergus, king of the Picts, who is stigmatized by a Saxon writer as "a bloody tyrant," the history of the succeeding period again becomes obscure. Bruidi his brother followed him on the throne, which, after the death of Bruidi, and an interval of fifteen years, during which it was again occupied in succession by two brothers, reverted once more to the family of Angus in the persons of his son and grandson—Constantine MacFergus, also probably a member of the same race, acquiring the supreme power towards the close of the century by driving out Conal MacTeige, who lost his life a few years later in Kintyre. The names of three kings of Dalriada attest the existence of the little kingdom, without throwing any further light upon its history, though from the character of a subsequent reference to Aodh "the Fair," it may be conjectured that he was in some sense the restorer of the line of Kintyre. After the death of Doncorcin, the last of these three princes, which happened shortly after the accession of Constantine, no further mention of the province will be found in any of the Irish annals which have hitherto been published.†

A. D. 761.

A. D. 789.

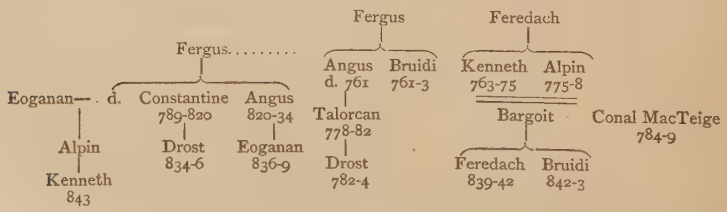
A. D. 792.

* *Bed. Hist. Ecc.*, l. 4, c. 26; l. 5, c. 12, 23; *Do. contin.*, 750. *Sim. Dun.*, 756.

† I allude to the *Lex Aodh Fin*, meaning, apparently, the right of Aodh

For thirty years and upwards, the supremacy of Constantine was undisputed, and he was succeeded upon his death by his brother Angus, his son Drost, and his nephew Eoganan in the same regular order which is subsequently observable amongst the early kings of Scotland. His reign was unquestionably an era of considerable importance, tradition connecting it with the termination of the Pictish monarchy, and representing Constantine as the last of the Pictish kings—a tradition which must have owed its origin to a vague recollection of some momentous change about this period. He and his brother Angus are numbered most suspiciously amongst the immediate predecessors of Kenneth MacAlpin in the "Duan of Alban," the oldest known genealogy of the early kings of Scotland; whilst the name of Constantine, unknown amongst the paternal ancestry of Kenneth, was borne by his son and many of his race, who would thus appear to have looked for their title to the throne quite as much to their maternal as to their paternal line of ancestry—for the mother of Alpin, Kenneth's father, was traditionally a daughter of the house of Fergus.* The foundation

and his family to *Can* and *Cuairt*, which were amongst the leading privileges of royalty. The following may explain the succession at this period—



* *Innes*, bk. 1, art. 8. *Caledonia*, bk. 2, c. 6, p. 302, note A, with other authorities cited by both. The marriage of Kenneth's grandfather with a sister of Constantine and Angus rests solely on tradition, but it appears the most probable solution of his peaceful accession to the throne. The examples of Talorcan, son of *Eanfred*, perhaps also of his cousin Bruidi son of *Bili*, which is a British name, shews that the alien extraction of the father was no bar to

of Dunkeld, in Atholl, during the same reign, and of St. Andrews, in Fife, during the reign of the younger Angus, point to the incorporation of both those provinces amongst the dominions of the Pictish sovereigns; for it is observable that the erection of a monastery was generally coincident with the reduction under the royal authority of the province over which the newly instituted abbot exercised jurisdiction, the authority of the ecclesiastical superior confirming and sanctifying as it were the power of the sovereign; and it will be found that when regular dioceses were instituted in the twelfth century, the whole of Dalriada had long been incorporated amongst the districts acknowledging the jurisdiction of Constantine's monastery of Dunkeld. The Anglian line of bishops also disappear during the same reign from the diocese of Whithern, and a population of Gaelic origin, distinguished from the earlier masters of the soil, whether of Cumbrian or Northumbrian race, is subsequently discovered in possession of the entire district.* The power of Northumbria was on the wane, her people, distracted by civil contests, were fast relinquishing

the succession of the son. Such a succession would be exactly in accordance with the old custom mentioned by Beda, that "in cases of difficulty" the female line was preferred to the male; *i.e.*, a near connection in the female line to a distant male heir. From not attending to the expression "in cases of difficulty," the sense of Beda's words has been often misinterpreted.

* The name of Heathored occurs as the last amongst the bishops of Whithern in *Flor. Wig. App.*, and his predecessor Badwulf is alluded to by *Sim. Dun.* under 796. The topography of Galloway and the language once spoken by the Galwegians (who acknowledged a *Kenkinny—Cen-cinnidh*—not a *Pen-cenedl*) distinguish them from the British race of Strath Clyde—the *Walenses* of the early charters as opposed to the *Galwalenses*. Beda, however, knew of no Picts in the diocese of Candida Casa (*v. Appendix K*), and consequently they must have arrived at some later period, though it would be difficult to point with certainty to their original home. Some authorities bring them from Dalaraide, making them *Cruithne* or Irish Picts; and the dedication of numerous churches in Galloway to saints popular in the north-east of *Uladh* seems to favour their conjecture. The name of Galloway is probably traceable to its occupation by *Gall*, in this case Anglian strangers.

the hold they had once acquired upon the districts to the westward of the Lothians; and as the Angles, weakened by internal discord, no longer opposed a formidable barrier to the Northern tribes, the latter, gradually increasing in power, seem to have been fast settling into a stronger and more compact kingdom, in which may be traced the nucleus of modern Scotland.

The erection of Dunkeld, the sole deed of Constantine that has descended to posterity, may be traced to the inroads of the Northern *Vikings*, who, four years after his accession, made their first recorded appearance upon the British coasts, ravaging in the same year Lindisfarne and Iona. A few of the Scottish monks who escaped with life bore with them the relics of their founder, distributing their sacred charge between the new foundation of the Pictish sovereign and another monastery raised at Kells in Ireland; whilst the pre-eminence throughout North Briton, which had passed to Abernethy from Iona, appears to have been again transferred from the former monastery, and vested in Dunkeld, which was destined in its turn, before the close of the century, to be eclipsed and supplanted by St. Andrews.*

A. D. 839. The male line of the family of Fergus appears to have terminated in the sons of the younger Angus,

* *An. Ult.* 793, 813. *Sim. Dun.* 793. *Innes*, Ap. No. V. *Myln*, *Vit. Ep. Dunk.* *Ford*, l. 4, c. 12. This is the earliest historical appearance of the *Vikings* on the Scottish coasts. The name has no connection with *king*, being derived from *Vik* a bay, *Viking* a baysman. By northern law, every freeman was bound to be enrolled in a *Hafn*, and to contribute towards building and manning a ship for the royal service, the office of *Styresman* being always hereditary in the family of an *Odal-Bonder*. Thus, the royal ship, authorized to kill, burn, and destroy in lawful warfare, sailed from the *Hafn*, whilst the rover on his own account, stigmatized in "degenerate days" as a pirate, put off from the *Vik* or open bay. He was as little likely to sail from a royal *Hafn*, as a Highland chieftain bent upon a *creagh* to issue from the royal castle of Inverness. Hence perhaps the name.

Eoganan and Bran, who were both killed in a disastrous battle with the Northmen; and for three years the two sons of Bargoit, Feredach and Bruidi, reigned over the Picts, the death of Bruidi making way for the first prince of the line of Dalriada, Kenneth MacAlpin, who seems to have ascended the throne in right of the maternal ancestry of his father. For the next two centuries the united people of the Picts and Scots acknowledged the dominion of the MacAlpin dynasty; and though Kenneth and his immediate successors were still recorded in the annals of the age under the original title of "Kings of the Picts," from the opening of the tenth century the ancient name of *Pict*, gradually dying out, was superseded by the more familiar appellation of *Scot*, extending, in course of time, to every tribe and every race from the Tweed and the Solway to the Pentland Firth, whose chieftains and leaders, whether native noble, or feudal baron, owned the authority and followed the banner of the representatives of the princes of Kintyre.* A. D. 843.

* It must always be remembered, that the change of name from *Pict* to *Scot* was originally merely the substitution of one arbitrarily applied name for another—a change in the names used by chroniclers and annalists, not by the people themselves. The names of *Picti* and *Scoti* may be compared with those of *Germani* and *Alamanni*, given arbitrarily to the people who called themselves by names which have now become *Deutsch* and *Schwabe*.

CHAPTER II.

The Kingdom of Scotland—843–900.

The history of Scotland as a kingdom may be said in general terms to begin with the accession of the family of Kintyre; but the Scotland of the period of the MacAlpin dynasty, both in the extent of the territory to which Kenneth actually succeeded, as well as in the nature of his authority over the remainder of the kingdom, bore only a partial resemblance to the more compact feudal monarchy of a later era. Gaul, before the achievements of Julius Cæsar annexed that country to the dominion of Rome, must have presented an example of a pure Celtic system of government; and the features of that system, as described in the Commentaries of the conqueror, are plainly traceable amongst the kindred Celtic populations of the British Isles. The greater states, such as the Ædui, appear to have been aristocratic confederacies, generally exercising a sort of leadership over a number of lesser dependencies, electing annually a magistrate, judge, or *Vergobreith*, to govern with royal authority, and the power of life and death, and guarding, with jealous care, against the perpetuation of this authority as a hereditary appanage in any one family. In other confederacies this second phase had been brought about with more or less permanent success, and Tasgetius was re-established by Cæsar in the "*kingdom*" which his ancestors

had acquired over the Carnutes—a proceeding which within three years cost him his life—whilst Cavarinus was confirmed in a similar hereditary authority over the Senones, which appears to have descended to his brother Moritasgus from their joint forefathers. Occasionally a number of the leading states were united in one great confederacy under a temporary head, chosen for the occasion, who was invested with royal authority over every member of the alliance, and obedience enforced to his behests by the exaction of hostages. As war was the bond of union in such confederacies, the character of the supreme leader was military not judicial; he was the *Toshach* not the *Vergobreith;* the *War-king*, exercising the same authority over the whole confederacy with which every *Duke* or *Toshach* was invested by each member of the alliance over their separate contingents. Attempts had not been wanting to convert this temporary authority into a permanent supremacy, as in the case of Celtillus, the father of Vercingetorix; but Cæsar records no instance of success in a course of policy which would evidently have laid the foundation of a wider and far more formidable *kingdom* than any that had been established by the mere conversion of the *elective* into the *hereditary* principle within the boundaries of a single state. In all these features of the government of the greater states of Gaul, there is nothing that can be considered peculiar to the people of that country alone. The annual *Vergobreith* is but the counterpart of the *Princeps* chosen in the German assemblies, and dispatched with a hundred *Comites* to administer justice amongst the confederated clans. Aristocratic confederacies, occasionally united under the rule of one head, or *Heretoga*, prevailed amongst the con-

tinental Saxons in the days of Beda, and probably of Charlemagne; a judge, perhaps elective, still governed the Visigoths at the close of the fourth century, when an infant king was the hereditary ruler of the Ostragoths; whilst Maraboduus is an example that the authority of a permanent magistrate had occasionally prevailed over the elective principle amongst the Germans, even before the days of Tacitus, when the government of a king was not unknown amongst that people.*

The true peculiarity of the Celtic system, the "balance of power," is to be found in that singular principle of divided authority, which is surely traceable to the original separation of the two leading classes, and their mutual jealousy of encroachment, a jealousy which seems to have settled into a fixed principle of policy in the Celtic system of government long after its probable cause had been forgotten. Every state, every group of clans, every family even, was thus divided; *two* confederacies took the lead amongst the whole people; and if the Ædui or the Sequani lost their pre-eminence, the Rhemi or the Arverni stept into the vacant place; for the undivided supremacy of *one* confederacy—*un*balanced power—would have been totally contrary to all Celtic precedent.† Three leading characters are traceable amongst the Gauls,—one hereditary, the

* *Cæs. de B. G.*, l. 1, c. 16; l. 2, c. 4; l. 3, c. 17; l. 5, c. 11, 22, 25, 54; l. 6, c. 32; l. 7, c. 4, 32, 33, 63. *Tac. Germ.*, c. 12, 42. *Am. Marc.*, l. 31, c. 3. *Bed. Hist. Eccl.*, l. 5, c. 10. *Vergobretus* is evidently the Latin form of *Fear-go-breith*, "the Man of law," the *Breithimh*, *Brehon*, or *Breen*; the Celtic judge, *Toshach*, is derived from the same root as the Latin *Dux;* the Thessalian Τάγος and the German *Toga* bear the same meaning. It is the title that appears on several of the early British coins under the Latin form of *Tascio.*

† *Cæs de B. G.*, l. 6, c. 10, 11. The *factio* was evidently the result of Celtic *policy*, not of Celtic *temperament*, as has been too often represented. The policy may have gradually influenced the temperament rather than the temperament the policy.

Princeps or head of the race, the *Cen-Cinnitd* or *Pen-Cenedl* of later times; two elective, the *Judex*, supreme magistrate or *Vergobreith*, and the *Dux* or *Toshach*, the leader of the host. These characters are equally recognisable amongst the early Germans, amongst whom they were probably known as the *Cyning* or *Konung*, the head of the kindred—the *Lagaman* and the *Heretoga;* and they existed to a recent date in every Celtic clan long after the elective had given place to the hereditary principle, as the chief, the *Toshach*, and the judge, *Brehon* or *Deempster*. As amongst the Germans so amongst the Gauls, the head of the lineage was not necessarily the leader of the host, though the offices were not unfrequently united in the same person. Sedulius was *dux et princeps* (captain and chief) of the Lemovices; and Vertiscus "*princeps*," or chief of the confederacy of the Rhemi, was also "*præfectus*" (captain or *toshach*) of their cavalry.* But here the resemblance ceases, for the German *Lagaman*—the *princeps* who was elected in the assembly, and dispatched with a hundred *Gasinds* or *Comites* to judge the people—never appears to have necessarily laid aside his military authority. Athanaric was *Dux* as well as *Judex* of the Visigoths; and the Frank *Gasind* of a later period united in his own person both military and judicial functions, as *Graf, Count* or *Judex Fiscalis*. Such was not the case amongst the Celts, who appear to have separated the judicial from the military office—authority from power—with all that jealous care in which may be traced the anxiety of the original founders of the system to preserve an equal balance between two rival castes. The *Vergobreith* amongst the Ædui was strictly

* *Cæs. de B. G.*, l. 7, c. 88; l. 8, c. 12.

prohibited from crossing the frontiers of the confederacy,* and was of course incapacitated from holding the office of *Toshach* during the continuance of his supreme magistracy. That this prohibition lasted only during the year of office is evident from the example of Cotus, who, failing in his attempt to succeed his brother Vedeliacus as *Vergobreith*, appears immediately afterwards as *Toshach* of the Æduan cavalry. As the *Vergobreith* was inaugurated by the Druids,† and as that class monopolized the whole administration of the laws, it is very evident that the noble who was chosen for the supreme magistracy resigned his military character during his year of office, and was enrolled, as it were, for that period amongst the ranks of the Druids. Had such a personage existed as a permanent and hereditary *Vergobreith* giving law to the whole Celtic race, this sacred character would have become equally permanent and hereditary, and the ruler of the Celtic people would have resembled, in this respect, the monarchs of the great eastern empires of antiquity.‡ The Gauls, however, never appear to have arrived, in historical times, at the same point of unity in their political, as in their religious, constitution; and the Hierophant, or Arch-Druid, elected for life, stood alone, and without any parallel, amongst the equestrian order. Long

* "Legibus æduorum, iis qui summum magistratum obtinuerent excedere ex finibus non liceret."—*Cæs. de B. G.*, l. 7, c. 33.

† "Convictolitanem, qui per sacerdotes more civitatis . . . esset creatus."—*Cas de B. G.*, l. 7, c. 33.

‡ Some such a character still exists in Japan, which is under the divided rule of *two* emperors; one a sacred puppet, nominally the head of the empire, but practically kept aloof from all mundane matters; the other known as the *Ziogoon*, or general, and the real ruler of the empire. This example of a *double head* to an empire certainly bears some resemblance to the divided authority of the old Celtic system, or rather to what that divided authority might have become under certain circumstances.

after the introduction of Christianity, and a thousand years after the time of Cæsar, the old principle of separating the judicial from the military functions is still clearly discernible in the Welsh "Laws of Howel Dha." Two officers were appointed over every royal *Commot*, the *Cynghellwr* and the *Maer*, the former administering justice, the latter collecting the royal dues and following the king to battle; and the same system is traceable in Gaelic Scotland, where, under the Teutonic disguise of *Thane* and *Deempster*, it is easy to discover the types of the Cymric Maer and Cynghellwr.

The Celtic principle of division, or balance of power, is recognisable amongst the Cymri both in their older confederacies of *Deur* and *Bryneich*, and in the later *Gwynnedd* and *Dyved*, or North and South Wales; but it is in Ireland that the best examples are afforded of this singular peculiarity of the continual subdivision of authority. The whole country was divided as usual into North and South, or *Leth Cuin* and *Leth Mogh*, the latter containing *Muimhean* and *Laighean*—Munster and Leinster—each again subdivided into North and South, or *Thomond* and *Desmond*, *Tuath-Laighean* and *Deas-gabhar*. Ulster and Connaught were the *two* historical provinces of the north of Ireland, *two* kingdoms are traceable in legendary Ulster, and after *Uladh* had ceased to share in the sovereignty of the North, *two* families, the *Dal-araide* and *Dal-fiatach*, long contested the supremacy within the circumscribed boundaries of the province. No sooner had the great family of the Hy Nial succeeded in monopolizing the supreme power than it was at once divided into the usual separate branches of Northern and Southern Hy Nial, each gradually subdivided into the clans of

Eogan and Conal, of Colman and of Aodh Slane. The predominance of a single race was, as of old, the signal for its subdivision, even the smallest clan being subject to the divided authority of a chief and a toshach.

Once every year the Gallic Druids were accustomed to meet in solemn convention at a spot within the confines of the Carnutes, which was looked upon as the centre of Gaul, and had there been such a magistrate as an annual *Vergobreith* chosen to rule over the whole Gallic race, it is probable that he would have been inaugurated in this assembly in the same manner as the Æduan Druids consecrated the provincial *Vergobreith*, who ruled for his allotted year over that confederacy. A similar convention is traceable in Ireland under the name of the *Feas Temora*, or "Feast of Tara," a place chosen probably for its centrical situation; and he who "held the feast" was the acknowledged *Ardrigh* of the whole nation, the "tribes of Tara" originally holding their lands on condition of quartering the king and his followers on the occasion of the great festival. This convention, undoubtedly in its origin a Druidical meeting like the solemn assembly within the borders of the Carnutes, was still existing in Ireland in historical times, dying out towards the close of the seventh century; though the Irish annalists long continued to give the title of "king of Tara" to the *Ardrigh*, who claimed the supreme authority over the whole Irish people.

The invariable Celtic principle of "division" is plainly traceable amongst the population of Northern Britain in their separation from a very early period into Caledones and Mæatæ, Dicaledones and Vecturiones, and latterly into Northern and Southern Picts.

Towards the middle of the third century, when Dion wrote, the form of their government was still "democratic;" in other words, the various states or confederacies into which the Pictish people were divided, like the early Gauls and Southern Britons, were still ignorant of the principle of one elective or hereditary ruler.* The earliest bond of union may probably be traced to the time when they united under one common leader to resist or assail the Roman legionaries; and out of the *Dux* or *Toshach* elected for the occasion, like Galgacus, and exercising a paramount though temporary authority, arose the *Ardrigh* or supreme king, after some popular or ambitious chieftain had prolonged his power by successful wars, or procured his elećtion to this prominent station for life. The nature of the sovereignty thus established, which was fully recognised in the days of Columba, resembled the dominion of the Ardrigh amongst the kindred Gael of Ireland, or of the Unben amongst the earlier Cymri, differing in a remarkable manner from the royal authority as it existed amongst the Welsh of a later age. *Breith*, or *Law*, was at the root of the later Welsh system. Privilege was *Breint*, the noble or man of privilege amongst the Southern Welsh, *Breyr;* the king, *Breen-hyn*—the senior *Brehon* or *Lawgiver*, the hereditary instead of the elective *Vergobreith*. In the laws of Howel Dha, the representative of the Druid, or of the noble enrolled amongst the Druids, the *Cynghellwr* who "divided with the *Brenin*" evidently took precedence of the *Maer*, the representative of the military noble; whilst the *Rhy*, and *Twysawg*, or

* δημοκρατοῦνταί τε ὡς πλήθει is the expression of Dio (in *Severo*). Strabo (l. 4, p. 197) describes the Gallic states as Aristocracies, annually choosing "in ancient times"—*i. e.*, before the Roman Conquest—a ruler ἡγημόνα, and a general στρατηγὸν; in other words, a *Vergobreith* and a *Toshach*.

Rex and *Dux* (though met with in the Welsh dictionaries), are never found in these laws. With the Gael, however, it was the *Righ* and the *Toshach* who were most prominent; the *Brehon* had no such intimate connection with the throne or with the privileged classes, and in the charter of king Robert Bruce to the Thane of Cawdor, it was the *Judex* who held his lands under the Thane or *Toshach*. The Gaelic *Ardrigh* represented the permanent *Toshach*, not the *Vergobreith*, the permanent holder of the office of *Vercingetorix*, the head of a wide confederacy bound together less by the ties of blood, or by an authority confirmed by the sacerdotal order, than by the actual power of the supreme ruler confirmed by the exaction of hostages.*

The different tribes enumerated by Ptolemy, and subsequently known as the Northern and Southern Picts, appear at some early period to have coalesced into seven lesser confederacies, answering to the "Pictish Provinces" of Beda. Allusion is evidently made to these principalities in the old verses ascribed by tradition to Columba, enumerating the seven sons of *Cruithne*—characters of the same description as the sons of Hellen—"Cait, Ce, Ciric of the hundred clans, Fiv, Fidach, Fodla, Fortreim." In *Fiv* "the forest," and in *Cait*, there is little difficulty in recognising "the ancient kingdom of Fife," and a province of which the north-eastern extremity still retains the

* *Leg. Gwyn.*, l. 2, c. 18. The words of Bruce's charter (*Thanes of Cawdor*) are "Ita tamen quod terra quam Fergusius dictus Demster tenet ibidem respondeat eidem Willelmo (Thano de Calder) de firma quam reddere consuevit." It is doubtful whether *Vercingetorix* was a name or a title, like *Brennus*. *Cynghed* in Welsh means a *convention;* gorsez *cynghed* cynnal, a convention held upon urgency. *Ver-cinget-o-rix* might thus mean "the man chosen king in the convention." The authority of the Anglo-Saxon princes, sometimes known as *Bretwaldas*, probably resembled that of the earlier Celtic Toshach—they were supreme *Heretogas* rather than supreme *kings*. Cæsar calls Vercingetorix *Imperator;* commander-in-chief.

name of Caith*ness*, the point or promontory of *Caith*. Meaningless alike in Gaelic and in Welsh, *Caith* is probably the Celtic form of *Ketje*, "the end" or "extremity" in Lappish, a relic of a time when an Ugrian population regarded this province as their northern limit. The recollection of *Fortreim* was long preserved in the Deanery of *Fortrev* or *Fotheriff*, lying along the banks of the Forth, from which river the name was most probably derived. *Fodla* or *Fotla*, a word sometimes used amongst the Irish Gael as synonymous with Ireland, or their native home, survives in *Athfodla* or *Atholl;* whilst the appellation of *Fidach*, or "the woody" may be safely conjectured to have belonged to that province which was once known to the Romans under the ancient British epithet of *Celydon*, or "the forest district." No clue remains to identify *Ce* and *Ciric*, which may have answered to the provinces upon the coast included between the Grampian range and the eastern and northern seas. Nothing whatever is known of these seven provinces beyond the bare fact of their existence, though long after they had been broken up into earldoms, or united by conquest to the possessions of the crown, the tradition of this ancient sevenfold division of the Pictish kingdom, and of the rights of the provincial princes in electing a paramount *Ardrigh*, appears to have been revived amongst a party of the Scottish nobles for the purpose of adding to their overgrown power at the expense of their youthful king.*

* The verses ascribed to Columba will be found in the various "Chronicles of the Picts," of Innes, Pinkerton, and the "Irish Version of Nennius," *P. A. S.* The *rev* in Mu*rev*, Fort*rev* is probably to be derived from *reim* or "realm," the names meaning "the realms along the sea (Murray, *Muireim* or Armorica), and along the Forth." *Ath*-Fodla is equivalent to "Fodla *on this side* of the Mounth," exactly answering to the situation of Atholl, immediately to the southward of the Grampian range. Northwards of

The Pictish king was elective, unless he formed an exception to the universal rule prevailing amongst the Teutonic as well as the Celtic tribes in early times. The theory of election, indeed, pervaded all the institutions of the Gaelic people, who seem to have nominally chosen their heads of houses and chiefs of clans, as well as their *Flaiths*, *Oirrighs*, and *Ardrigh*, or their princes, provincial kings, and the supreme ruler of the whole nation. Brother succeeded to brother upon the throne, and the law of primogeniture, as amongst the early Germans, was only partially recognised, each "full-born" son having a claim upon the inheritance of his father, though the universal custom of "fosterage" led to the same results as Cambrensis deplored amongst his countrymen in Wales. Each child was placed in the family of a dependant, who regarded such a charge as a mark of the highest confidence and honour; and even in the seventeenth century, men of rank and station in the Scottish Highlands still esteemed it a privilege to educate in this manner one of the children of the head of their lineage. The child thus adopted shared in the property of his foster-father on the same footing as his foster-brethren, who profited in return from the protection and support of their more illustrious connection, and thus was formed a tie which generally proved a far surer bond of union than even the actual existence of blood relationship. The "fosterers" of the royal race must

Atholl the country is still known as *Badenoch*, "the district of the groves," a name singularly inapplicable to its present state, answering probably to *Fidach*. *Fodh*, a word evidently derived from the same source as the Scandinavian *Odh*, and meaning "earth, land," is probably at the foot of *Fodhla* (*Fodh-lad*), or *Fo'la*, which seems to have answered amongst the Gael very much to *Gw-lad*. *Fodh* also means "learning in Gaelic." The close connection between "mystic lore," or "divination," and the possession of land, was not confined to the Gael; it thoroughly pervaded the early Scandinavians.

have invariably been chosen from amongst the greater nobles, each of whom, from mingled motives of affection and self-interest, was ever too ready to support the claims of his own foster-son, or *Dalt*, upon the supreme power; and the continual contests about the succession to the throne, which arose in this age in every country in Western Europe, are traceable less to the inveteracy of fraternal hatred than to the jealous rivalry of interested partizans, which must have been engendered by such a system of fosterage. Gradually, however, except in cases of incapacity, or where one of the junior members of the family far exceeded the rest in prowess or popularity, the precedency of the eldest-born grew into the rule, the contrary course becoming the exception.*

Upon the accession of a new monarch, he ascended the Sacred Stone, preserved inviolate for such occasions, and was inaugurated in the presence of the clergy and the laity by the principal bishop of the nation. Originally it is probable that the Druids were the necessary assistants on such occasions, their prerogatives passing to the clergy; for Columba is said by his biographer, Adamnan, to have "ordained"

* *Camb. Descr.* l. 1, c. 4. *Col. de Reb. Alb.*, p. 19, 20. *Innes*, "*Sketches, etc.*," p. 365 *et seq.* In the middle of the seventeenth century, the second son of the Earl of Argyle was fostered by Campbell of Glenurchy, ancestor of the Breadalbane family. "In the Lowlands," says Mr. Innes, "the practice was evidently common under the civil law." In fact, fosterage was not peculiar to the Highlanders and Celtic people in particular, though, like many other old customs, it remained in force amongst them long after it had disappeared elsewhere. By Ini's Law (63), the *fosterer* was one of the three dependants whom the Gesithcundman might take with him under any circumstances. The system was admirably adapted for implanting the members of a dominant amongst a subordinate race, who, in the course of a few generations, must have thus become united in the ties of interest and affection with the ruling "caste." No such ties bound the *villein* to his feudal lord; and the evils and advantages arising out of each system were totally different. It was this custom which above all others tended to render the Anglo-Norman lords "beyond the pale," *Hibernis Hiberniores*. As much devotion was shewn to a *Geraldine* as to a *MacArthy*.

Aidan king of the Dalriads, an expression which cannot mean that Aidan's title to the royal dignity was based upon the authority of the Abbot of Iona, but rather that the sanction of the sacerdotal order, which appears to have been considered indispensable to all political authority amongst the Celtic people from time immemorial, had been transferred upon the fall of the old religion, from the Druidical to the Christian priesthood.* Close to the *Ardrigh*, with his right foot planted on the same stone of honour, stood the *Righdomna* or *Tanist*, the heir-apparent of the monarchy, who seems to have been nominated on the same occasion in pursuance of the true Celtic principle of "a divided authority," the office being immediately filled up, in case of the

* *Adam. Vit. St. Col.*, l. 3, c. 5. It was the *Vergobreith*, not the *Toshach*, who was "consecrated" by the Druids, *v.* p. 28, n. †. Giraldus Cambrenses has left an extraordinary description of the barbarous rites with which the inauguration of the princes of Cinel Conal was celebrated. He wrote from hearsay, and very probably heightened the colouring of a picture that was exaggerated in the first instance; for he fully participated in that rooted antipathy which seems to have long existed between the Welsh and the Irish. Still the words of Ailred shew that certain barbarous ceremonies on such occasions lingered amongst the Scottish Gael in the twelfth century, shocking the more fastidious ideas of David after he had "rubbed off his Scottish rust." "Unde et obsequia illa quæ a gente Scottorum in novella regum promotione more patrio, exhibentur ita exhorruit ut ea vix ab episcopis suscipere cogeretur" (*Twysden*, p. 348). The conspicuous part still assigned at coronations to the Scottish "Stone of Destiny" is as well known as are the numerous tales and fables connected with it. In his "Essay on Tara" Mr. Petrie impugns the identity of the stone in St. Edward's chair with the genuine *Lia Fail*, upon which the Ardrighs of Ireland were inaugurated at Tara; where, in his opinion, the mystic stone of the "Tuath de Danan" still remains in spite of the claims of the Dalriads and the fables of the Connaughtmen. It indeed seems extraordinary that a small and migratory tribe from the north of Antrim should have been permitted to carry off with them the "sacred stone" of the Irish kings, and I am inclined to look upon the Scottish *Lia Fail* as the stone upon which the *Pictish* kings and their successors were consecrated, its only migration, unless it was removed from *Dunfothir* to *Scone*, having been undertaken at the order of Edward the First; though after the Gaelic people of Scotland had identified their own ancestry with that of the MacAlpin line of princes the *Lia Fail* necessarily became mixed up with the supposed wanderings of the latter.

premature death of the *Tanist* during the lifetime of the reigning sovereign—a fatality of very frequent occurrence—the same rule being as applicable to the chieftain of the smallest territory as to the chosen leader of the nation. The power of the *Ardrigh* over the provincial kings must have depended upon his ability to enforce it, and to exact the hostages which were invariably necessary to secure the obedience of the subordinate princes. *Can* and *Cuairt*, or tribute and visitation, were amongst his rightful dues; in other words, in addition to the payment of a stipulated tribute, the *Oirrighs* were bound to entertain the *Ardrigh* and his followers in his annual progresses for a certain stated period in every year; a burdensome system of free-quarters by no means peculiar to the Celtic people, which could be exacted by every petty chieftain from the occupants of all the territory over which his influence extended.* The authority of the early Pictish kings over the various provinces of the confederacy was probably identical with that of the Irish *Ardrigh* over the subordinate principalities of *Leth Cuin* and *Leth Mogh*, and may be compared to the dominion exercised by Kent, Wessex, or Mercia, over the remaining South Humbrian kingdoms, at a time when either state was liable to exchange the situation of a ruling power for a subordinate and comparatively dependent position.†

* The early Frank kings used to migrate in this way from *manor* to *manor*, and the custom long prevailed amongst the Scandinavians. It was the origin of the "*sorning*," a word derived from the same source as the French *sejourner*, and "*Waldgastnung*," so often prohibited in the old laws of Scotland and the north. The Anglo-Saxons were perfectly well acquainted with the same custom, and lands were held for a certain number of "night's *feorm*"—so many nights' free quarters *originally*,—the name of the tenure being at length permanently transferred to the *tenant* and *tenement*. Hence our words *Farmer* and *Farm*.

† Most of the materials for this sketch have been taken from "Martin's Western Isles," the "Irish Annals," and the "Works of the Irish Archæological Society," particularly the "Hy

After the union of the two branches of the Pictish nation under one elective sovereign, the next step in the progress of their amalgamation was to confirm the preponderance of one state, and thus render the elective monarchy hereditary in one family. In the attempts to accomplish this object, which were made by the elder Angus and his successors, the ancient sevenfold division of the nation appears to have been broken up and destroyed, and the real conquest of the Pictish people to have been effected. The tradition of a conquest is far too strong to allow it to be looked upon as a mere fable, though the total silence of all the early authorities, and the relative position of the Picts and the Dalriads render it utterly impossible that the insignificant tribe of Kintyre, occupying only a very small portion of the modern county of Argyle, could have conquered and exterminated the whole remaining population of North Britain beyond the Forth and Clyde. A very slight acquaintance, however, with early history, where it borders on the legendary and traditionary periods, will confirm the truth of the remark, that events which may have really happened are frequently misplaced and transferred to a wrong epoch, very often owing their misplacement to a wish to build up the fame of some favourite hero, by attributing to him the merit of

Fiachrach," where the subject is ably illustrated by Mr. O'Donovan in *Appendix L.* The "Circuit of Murketagh" contains an interesting account of the manner in which hostages and tribute were exacted, and the different methods of proceeding with kinsmen, allies, and rivals. The theory of *Tanistry* extended to ecclesiastical offices, and we meet with *Tanist* bishops and *Adbhar* abbots; the former signifying, apparently, the successor *actually* chosen, the latter one *eligible* to be chosen. Thus, and in many other ways, the old Celtic principle of division appears to have gradually pervaded their branch of the church. Even the careful separation of sacerdotal *authority* from practical *power* seems to have clung to the Gaelic people for some time after their conversion; for while the Hy Nial for centuries monopolized the supreme power, the *Primacy* was the exclusive appanage of the Clan Colla, *a race excluded from the throne.*

every important action of several different periods. Scottish history abounds with instances of such misplacement, and the Scottish conquest is of the number; but by keeping strictly to the scanty records left by the annalists who lived nearest to the period in question, it will be found that the reign of the elder Angus offers the closest resemblance to an era of victory and conquest. His annexation of Atholl and the Lennox, of Lorn, and perhaps also of Kintyre, must have extended his authority to the western coast of Argyle, whilst his successive victories over three kings of the Picts appear to have enlarged his frontiers in the opposite direction, by establishing his predominance over the neighbouring district of Fife.* The modern shires of Perth, Fife, Stirling, and Dumbarton, with the greater part of the county of Argyle, may therefore be said to have formed the actual Scottish kingdom to which Kenneth succeeded, conquered originally by the elder Angus, and subsequently consolidated by his successors Constantine and the younger Angus, the union of the three provinces, of Fife, Atholl, and Fortreim under one family, paving the way for the permanent supremacy of the princes of the ruling race over the remaining provincial kings; and as Alpin, the father of Kenneth, was in later days confounded with the opponent of the elder Angus, so the triumphs of the latter monarch were gradually transferred to the earliest prince of

* A king of Atholl was amongst the rivals who succumbed to Angus (*Tigh.* 739), and from the foundation of Dunkeld and St. Andrews by Constantine and the second Angus, it may be gathered that the provinces connected with those monasteries were "in the crown." In the Irish annals *Fortreim* is latterly almost synonymous with the kingdom of the Picts. Its capital, *Dun-Fothir*, was evidently the Scottish *Tara*, and *Dundurn* in the north perhaps the Scottish *Cashel*. Moray and Mærne seem to have long been the leading subdivisions of the north, but it would be difficult to name the corresponding divisions of the south. Abernethy appears to have been connected with Strathearn, Dunkeld with Atholl, and St. Andrews with Fife.

the MacAlpin dynasty after the numerous and varied tribes who united in acknowledging the supremacy of Kenneth's successors had identified their own origin with the Dalriad ancestry of their line of kings.

THE LINE OF KINTYRE :—

Kenneth the First . . .	843–859.
Donald the First	859–863.

Never were the qualities more needed which earned for the first Kenneth the title of "the Hardy," than during the sixteen years of his turbulent reign; for his kingdom was exposed to hostilities on every side. The Britons of Strath Clyde burnt Dunblane; the Danes carried their ravages to Dunkeld in Atholl, and to Cluny in Stormont, and if Ragnar Lodbroc is not the mere creation of some northern scald, it was probably under the leadership of that renowned sea-king that they destroyed the monastery of the Pictish Constantine. The Scottish king proved equal to the occasion, and six times leading his followers across the "Scots-water," he repulsed the Britons, harried the Lothians, burnt Dunbar, and seized upon Melrose, stifling any doubts about his claim to the throne in the plunder of the fertile lowlands of "Saxony."*

Iona, during the vicissitudes of this stormy era, had been far too much exposed to escape the fury of the northern pirates, and the revered asylum of Columba's brotherhood, participating in the misfortunes of Lindisfarne, was deserted at an early period

* *Lodbroka Quida. Str.*, 12. The epithet of "the Hardy" is applied to Kenneth in the *Duan*. The old chronicle continues to apply the name of *Pictavia* to Scotland proper, or *Alban*, and *Saxonia* to the Lothians; whilst the Ulster annals call the MacAlpin dynasty "Kings of the Picts" to the close of the century.

under the repeated attacks of the Pagan foe, neither island ever recovering the importance that had once attached to their hallowed shores. The destruction of Dunkeld, which had been destined by its founder to replace both Iona and Abernethy, gave occasion to the solitary peaceful action attributed to the Scottish sovereign, who, collecting the relics of Columba from the localities to which they had been borne for security, enshrined them in a new church at Dunkeld, A. D. 849. rebuilding the monastery on the same spot as had been chosen for the original foundation. An alliance with the Britons of Strath Clyde, whose prince, Cu, received the hand of his daughter in marriage, completes the record of Kenneth's actions; and ten years after the restoration of Dunkeld he died in his capital A. D. 859. of Dunfothir or Forteviot, the victim of a painful and lingering disease.*

Donald MacAlpin succeeded his brother, and for four years filled the throne of Scotland, nothing being recorded of his short reign with the exception of a council at Forteviot, in which the "Laws of A. D. 863. Aodh the Fair," of Kintyre, were confirmed by "the Gael" and their king.†

Constantine the First, 863–877.

Constantine, the son of Kenneth, and the first inheritor of the name of his Pictish ancestor, ascended the throne of Scotland at an era when the efforts of

* *Innes App.*, No. 3.

† This expression, the "laws of Aodh," may have found its way into the chronicle without the transcriber being aware of its meaning. In the Irish annals the *lex Patricii* or *lex Columbæ* alludes to the right of visitation and other dues belonging to the representatives or *Cowarbs* of those saints; and the confirmation of the "lex Aodh Fin" by the Gael may mean the recognition of the claims of his descendants, the MacAlpin family, to *Can* and *Cuairt* over the provinces of the Picts. Royal *law* was identical with royal *supremacy*.

Gorm, Eric, and Harald Harfager to consolidate the petty states of Scandinavia into the respective kingdoms of Denmark, Sweden, and Norway, had given a fresh stimulus to the incursions of the Vikings upon the British Isles, by dispossessing and driving from their homes many of the minor chieftains who refused to submit to their authority. Ireland as well as Britain had suffered from the attacks of these marauders as early as the close of the eighth century, but it was not before the middle of the following century that the Northmen first established themselves permanently in the former country, principally in Dublin and its neighbourhood, where the recollection of one branch of the invaders is still retained in the name of the adjacent district of Fingall.*

A. D. 850. About ten years after the first settlement of the Norsemen a fresh fleet arrived off the Irish coasts, under the command of leaders claiming to belong to "the royal race of Lochlan," to whom the native annalists have given the name of Du Gall, or Black Strangers, in contradistinction to their predecessors the Fin Gall or White Strangers, epithets which were derived probably from some long forgotten distinction in dress or armour rather than from any difference in personal appearance or in nationality.† Driven from Dublin and from their settlements upon the coast of Uladh, the Fingall collected in great numbers from every quarter, and soon returned with

* Their first arrival, or rather permanent settlement, is placed by the *An. Ult.* in 839. The district of *Fingall* may derive its name from *Fine* gall, "the stranger clans," as well as from *Fin*-gall, "the white strangers."

† The Fingall are sometimes supposed to have been Norwegians and the Dugall Danes, a fanciful distinction apparently, as Thorstein Olaveson was king of the Dugall (*An. Ult.* 874), and his father Olave was undoubtedly a Norwegian. The Hy Ivar, chiefs of the Dugall, were undoubtedly a Danish race, for the Northmen who slew Elli at York in 867 were Dugall, and known as *Scaldings* or *Skioldungr* of the royal race of Denmark. *An. Ult.* 866. *Twysden*, p. 70.

their whole force to re-assert their lost ascendancy; but a combat between the two fleets, which is said to have lasted during three days and nights, confirmed the superiority of their rivals, and in the following year Olave the Fair, the son of Ingiald, an Upland chieftain of the same race as Harald Harfager, landed with his followers amongst his countrymen, and at once assumed the lead over all the Northmen of Ireland. In alliance with the Norwegian Olave was the Danish Ivar or Ingvar, the most renowned warrior amongst all the northern chieftains, whom tradition has made a son of Ragnar Lodbroc, and the ruthless avenger of his slaughter.* A. D. 854.

For several years after the arrival of the confederates their ravages were confined to the provinces of Ireland, until at length, in the same year in which Ivar and Halfdan first established themselves upon the coasts of East Anglia, the storm burst upon the dominions of Constantine, and from the 1st of January to St. Patrick's day, Olave and Auisle carried fire and sword throughout the region bordering on the Forth. After a lapse of four years Olave again revisited the Scottish shores, and in company with Ivar laid siege to the rock of Dumbarton, capturing and destroying the ancient bulwark of the Britons of Strath Clyde after a lengthened blockade of four months, the sole means available to an unskilful age against a *Dun* so strongly situated. The confederates then marched southwards to join their countrymen in England; once more a king of Saxon race was sacrificed to the manes of Ragnar, and the fate of the Northumbrian Elli was inflicted upon the East Anglian martyr Edmund; nor was it until the close A. D. 866. A. D. 870.

* *A. F. M.*, 847, 849, 850, 851. Olave "took hostages from every clan, and tribute from the Gael."

A. D. 871. of the following year that the allies returned to Dublin laden with the spoil of the Saxon, the Briton, and the Scot, and leaving behind them a fearful track of misery and bloodshed to mark the most lengthened and direful of all their inroads. Olave lost his life shortly afterwards in an obscure skirmish, fought, according to some accounts, in Scotland; and
A. D. 873. the death of Ivar in 873, after surviving his confederate for only a few months, released the Saxon and Scottish princes from the ablest and most ruthless of their foes.*

Amongst the earlier opponents of Olave and Ivar in the course of their Irish wars was a certain
A. D. 857. Caittil the Fair, probably the same person as Ketil Biornson, who established himself in independence amongst the islands along the western coasts of Scotland belonging to the mixed Scandinavian and Gaelic race who were known under the name of the Gallgael. His daughter Auda was subsequently married to his former rival Olave, and upon the death of her husband after his return to Dublin she sought the protection of Ketil in the Hebrides, whilst her son, Thorstein the Red, early treading in the footsteps of his father, pursued the career of a Viking.†

* *Innes App.*, No. 3. *An. Ult.* 865, 869, 870, 872. *Sim. Dun. de Gestis*, 866. *Ware. Antiq. Hib.*, c. 24. Ivar was unquestionably the Inguar of early English history, and perhaps Olave was the Ubba; for in the Langfedgatel quoted by Lappenberg (*Eng. under Ang. Sax.*, vol. i., p. 114, n. 4), Olave is substituted for Uffo, evidently the same name as Ubba. The *Chron.* 3 ascribes the death of Olave to Constantine, whilst the Landnamaboc says he was killed in Ireland.

† *An. Ult.* 856. Laxdæla Saga and Landnamaboc in *Col. de Reb. Alb.*, p. 65 to 69. The *Gallgael* must be distinguished from their rivals the *Oirir-Gael*, or Gael of the coasts (*i.e.*, of *Argyle*). Mr. Skene (*Highlanders*, pt. 2, c. 2) considers them to have been identical, on the strength of a passage which, I think, scarcely bears him out. When the fleet of Turlough O'Connor ravaged Tir Conal and Inch Eogan in 1154 (A. F. M.), the clan Eogan sent to hire "Longus Gallgaidhel, Arann, Cinntire, Manann et Cantair Alban" ships of the Gallgael, Arran, Kintyre,

After the establishment of the power of Harald Harfager by the successful battle of Hafursfiord, many of his vanquished opponents fled to the Orkneys and the Shetland isles, periodically infesting the Norwegian coasts in revenge for their defeat and expulsion; and to put an end to these piratical inroads Harald at length fitted out a numerous fleet, devoting an entire summer to extripating the hostile Vikings from the creeks and bays in which they sought shelter from his vengeance. In one of the numerous conflicts occurring during this expedition, Ivar, a son of Harald's favourite and most trusted friend Rognwald, Jarl of Mœri, lost his life, and as some compensation for the death of his son the king bestowed his own conquests upon the father. Rognwald, however, preferring to return to his Norwegian home, transferred the royal donation to his brother Sigurd, who was accordingly confirmed as Jarl, and left behind, on the departure of the king, in possession of the Orkneys and the Shetland isles.

Not content with his newly acquired island territories Jarl Sigurd was ambitious of a wider dominion, and entering into an alliance with Thorstein Olaveson, the confederates employed their united force in invading the northern provinces of Scotland. The whole of the country as far as the banks of the

Man, and "the coasts of Alban," *i. e.* Oirir Gael. Gallgael must here mean the Islesmen. The Orkneyinga Saga (*Antiq. Celt.-Scan.*, p. 180) calls the Caithness men Gaddgedlar or Gallgael; in short, it was the name of the two races when blended, and in later days there was a continual struggle for superiority between the Oirir Gael and the Gallgael—represented by the families of Somarled and of the later kings of Man,—in which the former were ultimately successful, uniting at length under one head the dominion of Argyle and the Isles. There is a slight discrepancy in the accounts of Ketil contained in the Sagas. He was leader of the Gallgael when Harfager was an infant, and appears to have succeeded Godfrey MacFergus, whose name betokens a mixed descent, and who died in 853 (*A. F. M.*, 851). The Gallgael possessed the islands before the time of Harfager.

Oikel,* embracing the modern counties of Caithness and Sutherland, was overrun and conquered by the allies, two Scottish magnates falling in an unavailing resistance; Meldun, whose wife, the daughter of an Irish king, became with her son the slave of Auda,† affording in their altered fortunes a striking example of the strange vicissitudes of the age; and Malbride "with the buck-tooth," whose singular fate—if the Saga can be relied upon—avenged him after death upon the author of his misfortunes. Sigurd is said to have slain the last-named chieftain in single combat, and with the savage ferocity of the times to have cut off the head of his victim, suspending it in triumph from his saddle-bow, in which position the projecting tooth of the slaughtered chieftain is supposed to have inflicted so severe a wound upon the Jarl's leg as ultimately to cause his death, and he was buried by his followers upon the banks of the Oikel, at the extreme limits of his conquests.

Though deprived of his ally, the Jarl of Orkney, Thorstein failed not to follow up his success, and whilst victory attended the banner of the king of the Dugall in the extreme north, the difficulties of Constantine must have been materially increased by
A. D. 875. the inroads of Halfdan upon his opposite frontiers, who established himself in Northumbria during the same year, and made incessant incursions upon the neighbouring "Picts" and Britons.‡ A decisive defeat

* *Ekkialsbakka*, according to Mr. Skene "the Mounth;" according to Johnstone, the Ochil Hills, appears to be rightly translated by Mr. Laing (*Heimskringla*, vol. I., p. 291); "the banks of the Ekkial, or Oikell, a river which still marks the limits of Sutherland, the ancient *Sudrland* of the Orkney Jarls.

† *Antiq. Celt.-Scand.* (*Landnamaboc*), p. 20, 21.

‡ *Chron. Sax.* 875. Halfdan was a brother of Ivar. According to *Sim. Dun. Hist. Dun.*, l. 2, c. 13, he was driven from Northumbria very soon after he settled there, and perished miserably, slain by "his own people." He was probably the Albdan Tosh-

at Dollar, on the borders of Perthshire and Fife, at length forced the Scottish king to submit to the alternative imposed at a later period upon both the English Edmunds, the whole of the northern provinces were made over to the son of Olave, and Constantine purchased a temporary peace at the price of half of his dominions.*

The success of Thorstein was destined to be ephemeral, the very year of his triumph witnessing the close of his adventurous career. Attacked unexpectedly by the followers of Constantine, he appears to have fallen in an unequal contest; Halfdan was driven from his Northumbrian conquests, perishing soon afterwards in Ireland, and the death of Sigurd's son Guttorm delivering his father's earldom once more into the hands of the independent Vikings, the power of the Norsemen was broken up for a time, and the threatening cloud which had loured so darkly over Scotland melted away from the horizon.†

ach of the Dugall, who was killed in battle by the Fingall in 877 at Loch Cuan, or Strangford Lough. *An. Ult.* 876.

* Compare *An. Ult.* 874 with *Chron.* 3, *Innes' Ap.* "Thorstein ruled as king over these districts, Caithness and Sutherland, Ross, Moray, and more than the half of Scotland"—*Landnamaboc.* "Thorstein at length became reconciled with the King of Scots, and obtained possession of the half of Scotland, over which he became king."—*Laxdæla Saga* (*Col. de Reb. Alb.*, p. 66 to 69). Such were the results of Thorstein's victory, which were evidently admitted by the old chronicle in its brief notice, "Normanni annum integrum degerunt in Pictavia." The half of Scotland plainly refers to the ancient territories of the Northern Picts.

† This account of the wars of Sigurd and Thorstein is taken from the Sagas already quoted, the Ulster annals and Chron. 3 in Innes's Appendix. They must have occurred between the deaths of Olave, about 871, and of his son in 875; and the decisive conflict between the Picts and Dugall in 875, when the former were defeated with great slaughter (*An. Ult.*), the battles of Dollar and Coach-Cochlum, two years before the death of Constantine, *i.e.*, in the same year; and finally the death of Oistin or Thorstein MacOlave, placed by the Ulster annals under the same date, all mark the year 875 to have been the era of his brief triumph. All accounts agree that Thorstein perished by unfair means. "He was betrayed by the Scots and slain in battle."—*Landnamaboc.* "The Scots did not

But the career of Constantine was also approaching its conclusion, and he had little time to profit by the events which had released him from his enemies. As his whole reign had been passed in a continual struggle to protect his country from the Northmen, so it was at length closed with honour on the battle-field in repulsing a hostile landing upon the coast of
A. D. 877. Fife; though tradition has hinted at a darker tale, that after repelling with success the enemy's attack he was captured by a party of the retreating Norsemen, and sacrificed by a lingering and cruel death in the gloomy recesses of the Black Cave near Crail.*

Aodh (Hugh) . . .	877—878.
Eocha } . .	878—889.
Cyric (Grig) } . .	878—896.
Donald the Second . .	889—900.

In the British Islands, as indeed in every quarter to which the Norsemen penetrated, a change may be dated from their earliest incursions; and whilst in Ireland they broke the power of the Hy Nial, and taught the dynasties of Munster and of Connaught to aspire to the supremacy which had hitherto been the undisputed prerogative of the princely families of

keep the treaty long, but betrayed him in confidence"—*Laxdæla Saga*. These authorities are confirmed by the Ulster annals, which record the death of Thorstein Olaveson *per dolum*.

* *Innes, App.* 5. *Wynton*, bk. 6, c. 8. *Fordun*, l. 4, c. 16. Macpherson, in his "Geographical Illustrations of Scottish History," explains the *Werdo-fatha* of the Register of St. Andrews and Wynton to mean *Wem-du-fada*, "the long black cave," in which Constantine is supposed to have suffered the cruel death of "the spread eagle." The period of this reign is easily ascertained. Under the first year the Chronicle No. 3 places the death of Malsechnal, king of Ireland; and as that king died on Tuesday 20th November (*A. F. M.*), his death must have occurred in 863. The same chronicle records the death of Aodh MacNial, king of Ireland, which happened in 879, under the second year of Eocha and Cyric (Grig), thus placing their accession, and consequently the death of Constantine's brother Aodh, in 878. As the reign of Aodh lasted for only a year, that of his brother must have begun in 863 and ended in 877.

Ulster and of Meath; in England the remnants of independent sovereignty were overwhelmed and swallowed up in the flood, the line of Cerdic in Wessex, which alone was strong enough to bear up against the torrent, becoming from that very cause the sole representative in the eyes of the Saxon people of the ancient royalty of their race. Scotland, where the monarchy, though of comparatively recent date, was destined eventually to survive the crisis, appeared towards the close of the ninth century to be fast verging towards the fate of Ireland; for though Thorstein perished before his power was consolidated, the cession of the northern provinces to that enterprising sea-king revived the recollection of former independence, and many years elapsed before the authority of the Scottish kings was once more successfully asserted over the ancient territories of the northern Picts. On the accession of Aodh, or Hugh, the surviving son of Kenneth, his pretensions were disputed by Cyric—or Grig—MacDungal, a chieftain whose residence at Dundurn, or Dunadeer, in the Garîoch, marks his pre-eminence amongst the northern magnates whose allegiance had been transferred to Thorstein.* The contest for superiority between north and south was decided in the neighbourhood of Strathallan, the locality of the battle-field, within the dominions of Aodh, appearing to point to Cyric as the aggressor: victory declared in favour of the northern leader, and his opponent, A. D. 878.

* Cyric (or Ciric, the same as the French St. Cyr) was the original name, which has been corrupted into Grig, Girg, and Gregory the Great. It seems to be a different name from *Gregor*, which is apparently the Scandinavian *Griotgar*. Eccles Girg or Grig is the modern *Cyrus*kirk. Dundurn or Dunadeer, in the Garioch, appears long to have held the same place amongst the Northern Picts as Dunfothir or Forteviot in the South, *i.e.*, it was the capital of the leading province. *Caledonia*, bk. 3, c. 7, p. 383, note I.

wounded and a prisoner, was conveyed for security to the fortress of Inverury, where he died of his wounds after a few weeks' captivity. Either the victor was content with asserting his own independence, or policy may have prevented him from aspiring to the vacant throne; for he appears to have been satisfied with reviving the divided sovereignty of former times; and by associating in the government a scion of the royal race of Kenneth, Eocha of Strath Clyde, a son of the British prince Cu, he may have sought to propitiate the hostile chieftains of the south, whilst the real authority over both kingdoms must have remained with the conqueror of Strathallan.*

Similar motives may possibly have dictated the benefaction to the church of St. Andrews, which has caused the name of Cyric to be handed down in the register of the ancient priory as "the Liberator of the Scottish Church, which had hitherto remained in a dependant and subservient position, according to the prevailing custom of the Picts." The boon thus vaguely recorded by the grateful monks of the priory appears to have been nothing more than the transfer of the privileges which had latterly belonged to Dunkeld to the monastery endowed by the younger Angus; and St. Andrews, a diocese of the southern Picts, and often known in later days as pre-eminently the "bishopric of the Scots," owed her primacy over the other Scottish bishoprics to the donation of a prince of the northern provinces.†

* *Innes*, Ap. 3, 5. *Fordun*, l. 4, c. 16. *An. Ult.* 877. Eocha is described as the *alumnus* of Cyric, who was evidently the real king of Scotland for the time.

† *Innes*, Ap. 5. *Wynton*, bk. 6, c. 9. It was probably to the gratitude of the monks, the only chroniclers of the age, that Cyric was partly indebted for some of his posthumous fame as Gregory the Great, an universal conqueror. The line of Aodh appears to have been connected with *Atholl*, which may account for the deposition of Dunkeld from its prominent position.

Upon the death of Eocha after an eventless career of eleven years, Donald, the son of Constantine, assumed his cousin's place, and for seven years shared with Cyric the supreme authority over Scotland, on the same terms, apparently, as his predecessor the British prince. A decisive victory over a body of the Northmen, who were defeated at Collin on the banks of the Tay, signalized the commencement of the new reign, avenging the destruction of the Scottish capital of Forteviot, burnt by the invaders in the course of their inroads; and as the situation of the ruined town must have exposed it to the attacks of the pirates of the western seas, it appears to have been abandoned from this period, and the residence of the sovereign being transferred for security to the eastern bank of the Tay, the dignity of "the Royal City" belonged henceforth to Scone.* A. D. 889.

The few remaining years of the century passed away without events—none at least have been recorded—Cyric died peacefully at Dunadeer after a reign of eighteen years, and it was left for the chroniclers of a later age to encircle his memory with a halo of fabulous glory, and to oppose his triumphs, as the conqueror of England and Ireland, to the pretensions founded by the first Edward upon the exploits of the British Arthur.† No successor arose amongst the A. D. 896.

* *Innes*, Ap. 3. The title of *Civitas Regalis* is given to Scone early in the next reign. The *palatium*, or royal residence of Kenneth, was at Forteviot, the ancient Pictish capital.

† *Innes*, Ap. 3 and 5. *Wynton*, bk. 6, c. 9. *Fordun*, l. 4, c. 17, 18; l. 11 c. 40, 59. Wynton, Fordun, and the *Chron. Ryth.* at the end of the *Chron. Mel.*—the same evidently as that quoted by Wynton—agree in giving eighteen years to Cyric, and placing his death at Dundurn, Dornedeore, or Dunadeer, in the Garioch. The reigns of the three kings extended over twenty-two years, from 878 to 900, the dates in the Ulster annals of the deaths of Aodh and Donald; and as Eocha reigned for eleven years (*Chron.* 5), Donald must have succeeded in 889. The Chron. No. 3 places an eclipse on St. Ciric's Day (16th June) under the ninth year of Eocha and Cyric. This actually occurred on 16th June 885, in the *eighth* year of their reign; and allowing for the trifling inaccuracy of

Northern Picts to emulate the policy of their departed leader, and Scotland, gradually recovering from the shock of Thorstein's conquests, ceased for ever after the death of Cyric to be subject to a divided authority. Henceforth Donald ruled without a rival during the brief remainder of his reign; but though no competitor appeared from beyond the Grampian range to assert his equality with the representative of Constantine and Kenneth, the recollection of their early independence long survived in full force amongst the northern clans, and a continual struggle between the divisions of the ancient Pictish kingdom can still be traced after the lapse of centuries. The death of
A. D. 900. Donald, who survived Cyric for only four years, would appear to have been brought about through this inveterate feud, for he is supposed to have been killed in the town of Forres, and he may have lost his life in the hostile province of Moray in attempting to re-establish the royal authority over the revolted districts of the north.*

a year, it is evidently the eclipse referred to. From confounding St. Ciric with St. Siriac, on whose day (8th August 891) an eclipse also happened, both Pinkerton and Chalmers have misdated all these reigns.

* *Innes*, Ap. 3, 5. *An. Ult.* 899. *Fordun*, l. 4, c. 20. Either this king, or one of his predecessors, must have been the sufferer at Mundingdene, a mile south of Norham, when the obedience of Guthred, son of Hardicanute (rather a mythical personage), to the dictates of Abbot Edred's vision, in restoring the lands of St. Cuthbert between Tyne and Wear to the Church, was rewarded by the intervention of the Saint in behalf of the sacred territory, when it was invaded by a band of Scots, who were miraculously engulphed in the yawning earth! *Sim. Dun. Hist. -Dun.*, l. 2, c. 14. *Leland*, vol. i. p. 329. It is a pity the miracle was not repeated a few years later, when Reginald Hy Ivar divided these very lands amongst his pagan followers. What with the *sac*, *soc* and *infangthief*, granted by Guthred in the ninth century, the fine of 96 Anglo-Norman pounds, and the near vicinity of the Scots to St. Cuthbert's territory, the story affords a very fair specimen of the inventions by which the monks occasionally tried to give a title to lands which they often really possessed rightfully, though without legal proof of such right. A miracle or a victory, especially if either were at the expense of the Scots, lent an air of sanctity or authority to the fabrication, which it would have been impious or unpatriotic to doubt.

CHAPTER THE THIRD.

CONSTANTINE THE SECOND—A. D. 900–943.

On the death of Donald, by the singular law of alternate succession which was in force amongst the Gaelic people, the son and representative of Aodh was raised to the throne as Constantine the Second; and, with better fortune than his father, the earlier years of his reign were signalized by a brilliant victory. A body of the Northmen, who appear, as usual, to have landed from Ireland or the Western A. D. 903. Isles, and to have chosen Fortreim as the scene of their ravages, were defeated in Strathearn with great slaughter, and with the loss of their leader Ivar hy A. D. 904. Ivar, a grandson of the famous Northman of the same name, whose family had been recently expelled from their Irish possessions.* Released by his victory from all fear of further invasion, Constantine seems to have turned his attention towards regulating the affairs of the Church, for his next appearance is upon the Moot-hill of Scone, a well-known eminence in the neighbourhood of the new capital, where, in conjunction with Fothadh, the bishop of St. Andrews, he presided at the earliest ecclesiastical council recorded in the annals of Scotland.† A far

* *Innes*, Ap. 3. *An. Ult.* 903. As the annals call the victors "the men of Fortren," I have rendered the *Sraith Eremi* of Pinkerton's version of *Chron.* 3, Strathearn.

† *Innes*, Ap. 3. It probably resembled those meetings of the Anglo-Saxon *Witan*, at which the ecclesiastical *Dooms*, so often preceding the secular *Dooms* in the Anglo-Saxon laws, were

more important object, however, in its ulterior consequences, was accomplished shortly afterwards by a bloodless revolution, which enabled him to take the first steps towards enlarging his kingdom on her southern frontiers, and to place a member of his own family upon the throne of an adjacent principality.

An occasional brief entry in the early chronicles reveals the anxiety of the rulers of the Picts and Scots to avail themselves of the gradual decline of the Northumbrian power for the purpose of extending their own influence over the neighbouring province of Strath Clyde. Some such motives may have instigated Kenneth to seek for his daughter the alliance of a British prince; and a few years later, the death of Artga, king of Strath Clyde, which is attributed by the Irish annalists to the intrigues of
A. D. 871. Constantine the First,* may have been connected with the same policy of aggrandizement, and have furthered the claims of Eocha, the son of Constantine's sister. The advancement of Eocha to the
A. D. 878. Scottish throne was shortly followed by important consequences to his native province, and after the flight and death of the Welsh prince Rydderch ap Mervyn had deprived the northern Britons of one of their firmest supporters, a considerable body of the men of Strath Clyde, relinquishing the ancient country of their forefathers, set out, under a leader of the name of Constantine, to seek another home amongst a kindred people in the south. Constantine fell at Lochmaben in attempting to force a passage through Galloway; but his followers, undismayed at their loss, persevered in their enterprise, arriving in time

promulgated, and may have had some reference to the recent elevation of the See of St. Andrews to the primacy.

* *An. Ult.* 871. According to this authority, Constantine "*procured*" the death of Artga.

to assist the Northern Welsh at the great battle of the Conway, where they won the lands, as the reward of their valour, which are supposed to be occupied by their descendants at the present day.* A. D. 880.

With the retreating emigrants, the last semblance of independence departed from the Britons of the north; and upon the death of their king Donald, who was probably a descendant of Kenneth's daughter, Constantine the Second experienced little difficulty in procuring the election of his own brother Donald to fill the vacant throne.† Henceforth a A. D. 908. branch of the MacAlpin family supplied a race of princes to Strath-Clyde; and although for another hundred years the Britons of that district remained in a state of nominal independence, they ceased to exist as a separate people, appearing, on a few subsequent occasions, merely as auxiliaries in the armies of the Scottish kings.

Fifteen years after his victory over Ivar in Strathearn, Constantine was called upon for the last time to oppose an inroad of the Northmen. At the beginning of the tenth century by far the most celebrated of all the northern leaders were the Hy Ivar or grandsons of Ivar, and sons, apparently, of a

* *An. Ult.* 876, 877. *An. Camb.* and *Brut y Tywys*, 880. *Caradoc*, *Hist. Wales*, p. 38. *Caledonia*, vol. i., bk. 3, c. 5, p. 355. Chalmers gives the name of Constantine to their first leader, whilst, according to Caradoc, Hobart was their chief when they reached Wales. To some old tradition of this migration, and to the encroachments of the Galwegians, the *Inquisitio Davidis* probably alludes :—"Diversæ seditiones circumquaque insurgentes non solum ecclesiam et ejus possessiones destruxerunt verum etiam totam regionem vastantes ejus habitatores exilio tradiderunt" *Reg. Glasg.* In fact it would appear as if a Scottish party had dated its rise from the days of Kenneth MacAlpin, and secured a triumph by the expulsion of its antagonists, on the accession of Eocha to the Scottish throne, and by the election of Donald in the reign of the second Constantine.

† *Innes*, Ap. 3. Donald and Eocha, or Eogan, were the invariable family names (with only one exception) of the princes of Strath Clyde, until the extinction of the race in the time of Malcolm II.

daughter of that chieftain married to a Scottish Viking, who seems to have succeeded Ketil in the dominion of Inch Gall or the Hebrides. Driven from Dublin after its capture by the Irish king Malfinan, in 902, they appear, like Thorstein, to have sought the shelter of the Western Isles; and it was owing probably to the loss of their Irish possessions that they attempted, under the command of the younger Ivar, to establish themselves upon the Scottish coasts in 903, from whence, as has been already stated, they were expelled in the following
A. D. 904. year.*

* *An. Ult.* 901-903. The Egill's Saga (*Antiq. Celt.-Scand.* p. 32), in describing Olave the Red, calls him "the son of a native Scot, by a descendant of Ragnar Lodbroc," meaning by the expression "a native Scot," that his father was of Scottish descent by both parents. This description cannot apply to Olave's father Sitric and his brothers, the well-known grandsons of Ivar, whose children could not possibly have been of pure Scottish descent. It is remarkable, however, that the name of the *father* of Sitric and his brothers is never mentioned by the Irish annalists, who invariably call them Hy Ivar, or *grandsons* of Ivar (for the *Hy* had not yet become a family prefix), whilst they also frequently allude to Godfrey and Sitric, the sons of Ivar, and their descendants, who never attained to the same celebrity as the others. These latter more famous Hy Ivar appear to have been in some way connected with the Western Isles, where their descendants were long regarded in the light of a royal race. The first appearance of Reginald Hy Ivar is in a naval battle off the Isle of Man; and as his family had no footing at that time either in England, Scotland, or Ireland, he must have recruited his fleet from amongst the Gall-Gael. Nearly thirty years later the son of Reginald was driven from the same Western Islands, which he probably had inherited in his childhood (for Reginald and his brothers were young), when the English and Irish possessions of his father fell to the share of his uncles Sitric and Godfrey. (*An. Ult.* 942. *An. F. M.* 940.) After the death of Godfrey MacFergus in 853, who figures in the genealogy of Somarled, lord of the *Oirir-Gael*, and must have been (from his name) of Scottish descent by the father's side, the Isles next appear under the rule of Caittil or Ketil, a Norwegian, but as his sons settled in Iceland after the expedition of Harfager (Landnamabok), he could not have transmitted his power to his descendants; and the Sagas say that the Isles then fell into the hands of Scottish and Irish Vikings. If one of these Vikings, a Scottish lord of the Gall-Gael or Oirir-Gael, had married Ivar's daughter, the description in the Egill's Saga would exactly apply to himself, his wife, and his sons, and it would be only necessary to suppose that the writer of the Saga, aware of Olave's descent from a Scottish Viking and a grand-daughter of Ragnar Lodbroc, made him by mistake the *son* instead

Ten years passed away before the Hy Ivar again appear on the scene. Reginald, who had now succeeded to the leadership of the family, defeated and destroyed the fleet of a rival Viking, Barith MacNocti, in an engagement off the Isle of Man; and from the date of this victory the Norsemen again began to collect upon the Irish coasts, arriving every year in increasing numbers. Three years later, Reginald, known by this time as king of the Dugall, landed at Waterford to assume the command, whilst his brother Sitric, appearing upon the coasts of Leinster, soon succeeded in re-establishing the power of his family over their former dependency of Dublin; and in the following year Reginald and his brother Godfrey, with the Jarls Ottir and Gragraba, who seem to have recently returned from an unsuccessful inroad upon the coast of Wales, leaving the harbour of Waterford, sailed for the northern shores of England to assert the claim of the king of the Dugall as heir of his kinsman, the Danish Halfdan, to the fertile lands of Northumbria.*

A. D. 914.

A. D. 917.

Landing amongst the kindred Danes of the north, as a welcome auxiliary against the increasing power of Ethelfleda, Reginald marched at once upon York, seizing upon, and portioning out amongst his followers and allies, the whole of the sacred patrimony of St. Cuthbert, with many a broad acre besides.

A. D. 918.

of the *grandson* of the Scot. This supposition would equally account for the connection of the Hy Ivar with the Isles, and the ignorance of the Irish annalists respecting their father's name.

* *An. Ult.* 913-917. In 888 the Irish annalists record that Sitric, the *son* of Ivar, killed, or was killed by, his brother. In 919 the same authorities mention that Sitric, the *grandson* of Ivar, slew Nial, King of Ireland, in battle. Some of the Anglo-Norman chroniclers, and one late MS. of the Saxon Chronicle, evidently confounding these events, make the younger Sitric the murderer of his brother Nial.

Edred, whose wide possessions reached to the Derwent, the son of that Rixinc who for three years had ruled the Northumbrian Angles under the dominion of the Danes, together with Aldred of Bamborough and his brother Uchtred, sons of Eardulf, of the old Bernician race, and lords of a territory extending from the Tyne to the Forth, abandoning their dominions at the approach of the Norsemen, implored the aid of the Scottish Constantine to stem the torrent of invasion. In Constantine they found a prompt ally, and strengthened by the support of a Scottish army, the Northumbrian leaders prepared, with renewed courage, to march against the foe.

The hostile armies met upon the moor near Corbridge-on-Tyne, where Reginald, who had decided upon awaiting the attack of the confederates, holding his immediate followers in reserve in a position where they were concealed from the assailants, had ranged the main body of his army in three divisions, under the command respectively of his brother Godfrey, the two Jarls, and the chieftains to whom the Irish annalist gives the title of "the Young Leaders." So impetuous was the onset of the Scots and Northumbrians, that at the first shock the Norsemen were overthrown, the heaviest loss falling upon the followers of the Jarls, a contingency upon which Reginald had probably calculated, as they bore the brunt of the battle. Animated at their success, and anxious to improve their advantage, the allies pressed eagerly onwards, regardless of the enemy's reserve, which Reginald now poured upon the flank and rear of the victors, disordered in the confusion of pursuit, inflicting, in his turn, severe loss, and retrieving the fortune of the day. Edred was

slain in this final struggle, with many of his Northumbrian followers, who appear to have suffered most severely, until the approach of night separated the combatants, and put a stop to a contest which led to no decisive result. As the Norsemen remained in possession of their conquests, the historian of Durham mourns over a defeat which left the patrimony of the bishopric a prey to the heathen invaders. The Scottish chronicler claims the battle for a victory, neither king nor Mormaor falling in the engagement, and no hostile Norsemen penetrating to the banks of the "Scotswater;" and as no portion of the territories of Aldred to the northward of the Tyne was occupied by the followers of Reginald, the advance of the enemy beyond that river must have been effectually prevented; and Constantine and his surviving confederate had good reason to be satisfied with the successful issue of the engagement.*

The result of the battle of Corbridge-on-Tyne secured Reginald in his conquest of Danish Northumbria, where he was succeeded, upon his death, about three years later, by his brother Sitric, the Irish A. D. 921. possessions of the family reverting to Godfrey, who hastened to establish himself in Dublin.† The alliance of the new ruler of the Northumbrian Danes was courted by the neighbouring princes, and Athelstan, soon after his accession to the English throne, be- A. D. 926. stowed his sister's hand upon the powerful chieftain of the Norsemen; though upon the unexpected death of Sitric, who only survived this union for a few months, dying in the prime of life in 927, the A. D. 927. Saxon prince seized upon the opportunity for assert-

* *Sim. Dun. Hist. Dun.*, l. 2, c. 16. *Hist. St. Cuth.*, pp. 73, 74. *Innes*, Ap. 3. *An. Ult.* 917. The engagement is called by Simeon the battle of Corbridge-on-Tyne, and in Chron. 3 the battle of Tynemore, evidently Tyne Moor.

† *An. Ult.* 920.

ing his own authority over the province, annexing it at once to the English crown.* Olave Sitricson, the youthful son of the deceased king, escaped across the sea to Ireland; but Godfrey, who had quitted Dublin upon hearing of his brother's death, endeavoured to enlist the co-operation of his ancient antagonist the Scottish king in an attempt to dispute the claims of Athelstan. Constantine, however, was not to be won over, and as the former supporter of the Northumbrian Saxons still preferred the alliance of the English king to a hazardous confederacy with the Danish adventurer, Godfrey, after a vain attempt to establish himself in York, once more left the English shores and returned to rule over the Irish Norsemen.†

* *An. Ult.* 926. *Chron. Sax.* 925, 926. According to the Irish annalists, Sitric died *immaturâ aetate*, and consequently his son Olave must have been too young to offer any opposition to Athelstan. The MS. *C. T.*, B. iv., which alludes to Sitric and Godfrey, is, like the Ulster annals, a year behind the true date at this period. As Godfrey was present at a battle in Ireland, fought on 28th December 926, and left Dublin in the following year, upon hearing of the death of his brother, returning thither after an absence of six months, the transactions to which Malmesbury and the Chronicle allude must have taken place during this interval.

† *An. Ult.* 926. *Chron. Sax.* 926, 927. *Malm. Gesta Regum*, l. 2, s. 133. The Saxon Chronicle (MS. *C. T.*, B. iv., of the eleventh century) states that the kings met at Emmet, in Yorkshire, and renounced idolatry, a singular compact for a prince who, twenty years before, had presided at an ecclesiastical council at Scone! Malmesbury, who takes his account from an old volume containing a metrical history of Athelstan, "in quo scriptor cum difficultate materiæ luctabatur (et) ultra opinionem in laudibus principis vagatur," places the meeting at Dacor in Cumberland, adding that Athelstan commanded the son of Constantine to be baptised! Here again the Scottish King figures as a pagan, as he also does in the same writer's description of the battle of Brunanburgh, where he says that the survivors of the vanquished host were spared to embrace Christianity. There is an evident confusion here between the pagan Northmen, to whom all this is very applicable, and the Christian Scots. It is highly probable both that Sitric "renounced idolatry" on the occasion of his marriage with Athelstan's sister, and that his son Olave, who ended his life in the monastery of Iona, was baptised through the intervention of the English king, but the same cannot be said of the Christian King of Scotland. From time immemorial, as we learn from Malcolm Ceanmor (*Sim. Dun.* 1093), it was the custom of the English and Scottish kings to meet upon their respective

The subsequent union of Olave Sitricson* with a daughter of the Scottish king endangered that alliance between the two princes which Godfrey had failed to disturb, and from this moment Constantine became an object of suspicion to his southern neighbour. The unwonted spectacle of an English army appeared before long upon the Forth; and though the whole of this interesting epoch in the annals of Saxon England is enveloped in uncertainty and con- A. D. 934.

frontiers; but though the borders of Yorkshire and Cumberland were the most appropriate places of meeting for Sitric and his English brother-in-law, they were on the Danish, not the Scottish frontier; and what should bring Constantine thither to renounce idolatry in his declining years, and baptise his son at the bidding of the English king? Much of the history of this period appears to have been derived from old songs and lays, in which due allowance must be made for the confusion and mistakes incidental to such legendary compositions, as well as for the "genus dicendi quod suffultum Tullius appellat," especially in the struggles of the transcriber to Latinise the barbarous idioms of the vernacular, alluded to with such contemptuous pity by Malmesbury. The vague and exaggerated expressions of these old ballads were frequently copied literally, and latterly in the feudal idiom, into the dry chronicle of a subsequent era, a fate which has frequently befallen the sole Saxon record of the famous battle of Brunanburgh. In the scanty records of this, the most glorious and least known period of Anglo-Saxon history, it is very evident that Constantine has frequently usurped the place of Sitric,—just as in the Egill's Saga Olave Sitricson figures as King of Scotland, to the total exclusion of his own father-in-law,—but it would be difficult to do more than point out the confusion. The Anglo-Norman writers, of course, take advantage of the confused and indistinct idea of a treaty between Athelstane and Constantine to turn it to their own account, but they have been far outdone by a modern historian, who has actually described the manner in which the Scottish king performed fealty to Athelstan—*More Francico*, in set form, as laid down in the Liber de Beneficiis—though it would be impossible to say from what source he has obtained his vivid description of the feudal ceremony, for it certainly is not contained in any of the authorities to which he refers (*Malm.*, 27, 28. *Flor.*, 602. *Mail.*, 147), nor was the Frankish ceremony of homage in force amongst the Anglo-Saxons of that era.

* Olave was Constantine's son-in-law at the time of the battle of Brunanburgh, but as Sitric died at an early age, and Olave survived his father for nearly sixty years, it is improbable that the connection could have existed till some years after Sitric's death, when it will explain why Constantine, who at that time was not at variance with Athelstan, and who had supported the Northumbrian Saxons against their mutual enemies the Hy Ivar, became an object of suspicion to the English king when it appeared to be his aim to favour the establishment of his son-in-law in the Danish province, as he had already secured his brother upon the throne of Strath Clyde.

fusion, from the coincidence of this expedition with the death of Godfrey in Ireland, it may be conjectured that it was the policy of the English king to prevent any movement on the part of his former ally Constantine, in support of the claims of Olave, now the head of the Hy Ivar family, upon the Northumbrian possessions of his father's family. Fortreim, as usual, was the suffering province, and the army of Athelstan, penetrating as far as Forteviot, the ancient capital, wasted the country in every direction, whilst a powerful fleet, sweeping the coast to the distant shores of Caithness, prevented the arrival of any assistance from Ireland. The limits of the incursion were now reached; and by frustrating the projects of Constantine and his new allies, its object was probably attained, though the success of Athelstan was merely temporary, and three years later the storm, which had thus been averted for a season, burst in all its fury on the English coasts.*

* *Chron. Sax. Sim. Dun. ad an.* "Athelstan went into Scotland as well with a land army as with a fleet, and there *over-harried* much." Such are the expressions of the *Chronicle*, the earliest and best authority respecting an expedition which has grown in the pages of the Anglo-Norman annalists into the complete conquest of Scotland. Simeon gives three versions: in his first, from original sources, merely mentioning the extent of the incursion to Dunfœder (or Forteviot) and Wertermore. In his second, copying Florence, he makes Constantine purchase peace at the price of his son's captivity; and in his third, in return for the gifts of Athelstan to the shrine of St. Cuthbert—and on such occasions the chronicler is never behind-hand in liberality—Scotland is thoroughly subdued (*Twysden*, pp. 134, 154, 25). It is a very appropriate occasion for the exhibition of the *suffultum genus scribendi* by the Anglo Norman writers; and the opportunity has not been passed over. According to Brompton (*Twysden*, p. 838), Athelstan demanded a sign from St. John of Beverley, "quo præsentes et futuri cognoscere possent Scotos de jure debere Anglis subjugari." It was granted, and the king's sword clove an ell of rock from the foundations of Dunbar Castle! "Possessiones, privilegia, et libertates," rewarded the miracle, a price for which there was scarcely a patron saint in the country who would not have been made to confirm with signs and wonders the rightful supremacy of the English king over any people he chose to name. The monks of Newburgh outdid even Brompton, detaining Athelstan for three years in Scotland, whilst he placed "princes" over her provinces, provosts over her

At the head of the confederacy which was now A. D. 937. combining to wrest Northumbria from the grasp of Athelstan, were Constantine and the two Olaves, the great-grandsons of the Danish Ivar, one of whom, the son of Sitric, was the son-in-law of the Scottish king, and the other, the son of Godfrey, had succeeded his father three years previously in the government of the Irish Norsemen.* A British prince, to whom the Saga gives the name of Adills, a chieftain probably of the northern Welsh, together

cities, and settled the amount of tribute to be paid from the most distant islands! (*Doc. etc. Illus. Hist. Scot.*, No. 33.) The tale reappears, as might be expected, in the time of the first Edward, in its most exaggerated form, as "Inventa in quodum libro de vita et miraculis beati Johannis de Beverlaco *quæ sunt per Romanam curiam approbata* (*Fœd.*, vol. i., p. 771). Dr. Lingard, through one of those oversights which occasionally serve to strengthen his arguments in Scottish matters, has transferred to this expedition the epithets applied by Æthelward to the battle of Brunanburgh.

* At this time there were two prominent characters amongst the descendants of Ivar of the name of Anlaf or Olave, who have frequently been confounded. Olave, the son of Sitric, known in the Sagas under the name of Olave the Red—the *an t sainnr* of the *A. F. M.* 978—sometimes as Olave Cuaran (for his son Sitric, who fought at Clontarf is called Olave Quaran's son in the Niala Saga, *Antiq. Celt.-Scand.*, p. 108), became the head of his family upon the death of his uncle Godfrey, and to him the Sagas invariably attribute the supreme rule over the Norsemen at Brunanburgh and elsewhere. Upon the death of Athelstan, the whole of England north of Watling Street was ceded to "Olave of Ireland," and for four years Olave Sitricson retained his hold upon the conquered districts, until the successes of Edmund drove him across the channel to Ireland. He frequently appears in English history subsequently as the opponent of Eric of the Bloody Axe and the Anglo-Saxon monarchs; but his name does not occur in the Irish annals before he was driven from Northumbria in 944; and about eight years later, relinquishing all hopes of obtaining his father's English kingdom, he established himself permanently in Dublin, ruling the Irish Norsemen for nearly thirty years, and bequeathing his dominion to his descendants. Olave, the son of Godfrey, succeeded his father in Dublin in 934, crossed the sea in the autumn of 937, and joining in the battle of Brunanburgh, reappeared in Ireland in the following year. He again appeared in England when Olave of Ireland was chosen by the Northumbrian Danes for their king, and shared the supremacy with his kinsman until his death at Tyningham in 941. Guthferd or Godfrey, the son of Hardacanute, a personage whose existence is somewhat doubtful, but who is supposed to have succeeded Halfdan, is often confounded with either Godfrey *mac* Ivar or Godfrey *hy* Ivar. The Irish annals, sagas, and Simeon, are my authorities for this sketch.

with Yring, a Norseman from his name, though described by the same authority as also of British race, joined the ranks of Athelstan's opponents, and Eogan, the son of the Scottish Donald, in obedience to his allegiance to his kinsman and chief, led his followers from the vale of Clyde to swell the numbers of the allies. To aid in opposing this formidable array, Athelstan had invoked the assistance of the Vikings, and the pagan rovers of the German Ocean now marched side by side in the English host with the Angles of Mercia, the Saxons of Wessex, and the Christian descendants of Guthrum's Danes. The advantage at first leant to the side of the invaders, for in spite of his preparations for the impending contest, Athelstan appears to have been partly taken by surprise. Alfgar and Godric, his lieutenants in Northumbria, were either driven from the field or slain, and the English king was reduced to negociate with the enemy in order to gain time for the union of his whole force. The negociations were quickly broken off when the required end was attained, and after the failure of a night attack, skilfully planned by Olave Sitricson, who is said to have visited the camp of Athelstan in the disguise of a wandering harper, the rival armies met upon the long-forgotten site of Brunanburgh. The victors alone have described that celebrated battle; and whilst the Saga, forgetful alike of the English and Scottish kings, awards the palm to the Norsemen in the pay of Athelstan, the ancient ballad in the Saxon Chronicle extols the deeds of the native warriors, and renders full justice to the valour of Constantine and Olave. Five kings and seven Jarls, a son of Constantine, and two brothers of Athelstan, were left amongst the slain upon the field of Brunanburgh; and whilst the

baffled survivors of the Irish Norsemen returned in their galleys to Dublin, and the remnants of the Scots with their sorrowing king mournfully withdrew beyond the Forth, the unchallenged dominion of the whole of Saxon England, the submission of the Welsh and of the Northumbrian Danes, and the alliance and admiration of Flanders, France, and Germany, rewarded the victor of this glorious day."*

Shortly after the battle of Brunanburgh, Eric of the Bloody Axe, the favourite son of Harald Harfager, and his successor in the Norwegian kingdom, appeared with a numerous fleet off the northern coasts of England. Driven from his native country by his half-brother Hakon, after a reign of less than a year, in which brief space he had contrived to incur the unanimous hatred of his people, he was now seeking another theatre for the display of the same qualities which had already lost him his paternal inheritance; and Athelstan, either unwilling to provoke so soon the chances of another conflict, or anxious to raise up in Eric a rival to the pretensions of the Hy Ivar, welcomed the banished prince as an ally, reminded him of the friendship existing of old between himself and his late father Harfager, and offered him an asylum in his own dominions, if he would undertake to hold the Danish province against the Olaves. Eric readily consented to the arrangement, and according to the account of the Norwegian Heimskringla such was the origin of his earliest connection with the Anglo-Danes of Northumbria.†

* *Chron. Sax.* 937. *Egil's Saga, Antiq. Celt.-Scand.* The story of Olave's adventures in the camp of Athelstan is also told of Alfred, and, if I recollect aright, of others. It is probably true in one instance, and ascribed to the rest. Eogan of Strath Clyde was probably amongst the kings who fell, as his son Donald soon afterwards appears as king of Strath Clyde.

† *Heimskringla, Saga* 4, c. 3. The tie of blood was the great bond of union in these days, and a member of a "royal race" could unite the most

It was destined, in the first instance, to be transitory, for upon the death of Athelstan, the Northmen, refusing to acknowledge his successor, chose Olave of Ireland for their king; and the two Olaves, again uniting their forces, and with better success, relinquished their Irish home, and forced from the brother of Athelstan the cession of the whole of his
A. D. 940. dominions to the north of Watling Street.* Eric attempted no resistance, but sailing away with his followers, he entered upon a course of piracy which carried him before long to the Western Isles, from whence he drove out a son of Reginald Hy Ivar, who was little prepared for so unexpected an attack.† Two years after the death of Athelstan Olave God-
A. D. 941. freyson followed him to the grave, losing his life in

discordant elements under his standard. The invaders of the British Isles, like their greatest leaders Olave and Ivar—the one an Ingling, the other a Skioldung—were of Norwegian and Danish race, but after the death of Thorstein, Olave's son, without known issue, as no prominent scion of the race of Halfdan Hvitbein remained, Dane and Norwegian both looked for their leaders to the family of Ragnar Lodbroc, the Hy Ivar. Eric, however, was of the blood of Halfdan Hvitbein, and by placing him amongst the Northmen, Athelstan skilfully sowed the seeds of discord, which yielded an abundant harvest a few years later in the contests between him and Olave Sitricson.

* It is doubtful which Olave is meant. When Edmund regained Northumbria, Olave Sitricson and Reginald Godfreyson appear to have been joint kings, so that it is probable that the two Olaves divided the supremacy in return for the assistance of the son of Godfrey in reinstating his kinsman. The death of Athelstan is assigned to the years 939 and 941. Ethelward places his death two years after Brunanburgh, in 939, and the charter 411 (*Cod. Dip. Ang. Sax.*, vol. ii.) would favour this date. There are many charters of Edmund in 940, none of Athelstan after 939.

† *Heimsk.*, *Saga* 4, c. 4. *An. Ult.* 941. *A. F. M.*, 940. Sacheverell, in his History of the Isle of Man, p. 25, mentions a Manx tradition that the first of a line of twelve Oirrighs or under-kings was the son of a king of Denmark or Norway, whose successors Guthfert and Reginald are evidently Godfrey Haraldson and his son Reginald, kings of Man after Maccus or Magnus Haraldson, who killed Eric in 954, at which time he probably acquired the kingdom of Man and the Isles. The Irish annals mention that in 942 the son of Reginald Hy Ivar was driven from the Isles by "Gall from beyond sea;" and it seems highly probable that these were the followers of Eric, who must have established himself in the dominion of the islands about this time.

some obscure skirmish near Tyningham, when Reginald Godfreyson, succeeding to his brother, shared the supremacy over the north of England with the survivor of the two Olaves.*

As no allusion is made to Constantine in connection with the second expedition of the Olaves, it must remain a matter of conjecture whether any assistance on his part contributed to its successful issue; though the previous career of the Scottish king, as well as his conduct on a subsequent occasion, might almost warrant such a supposition. The remembrance of Brunanburgh, however, may possibly have deterred him from such a step, and by this time age and its accompanying infirmities must have begun to weigh heavily upon the venerable monarch; for nearly seventy years had now elapsed since the death of his father Aodh. It was an era in which the sword in a vigorous hand was necessary for the defence of the crown; and Constantine may have been actuated by prudent motives when he resigned the sceptre before it slipped from his grasp, and retiring to the seclusion of the monastery of St. Andrews, relinquished the cares and duties of his kingdom to assume the office of abbot.† A.D. 943.

Throughout a reign extending over forty years and upwards, Constantine wielded his authority with vigour, if not always with success, and even in his declining years maintained the reputation of a valiant and experienced warrior. The most important event in his career, and that which exercised the greatest influence over the future prospects of his kingdom, was the establishment of a branch of his own family

* *Sim. Dun. de Gestis*, 941.

† *Innes*, Ap. 3. A Culdee abbot was not at this time strictly an ecclesiastical dignitary. The office appears to have been frequently held by the next in consideration to the head of the family in whose province or kingdom the monastery was situated.

over the British principality of Strath Clyde, as it unquestionably tended to the gradual amalgamation of the inhabitants of that district with their more numerous and powerful Scottish neighbours, and prepared the way for the permanent annexation of the province during the reign of Malcolm II. In his efforts to assist another member of his family in obtaining a footing in Danish Northumbria he was not equally successful; but though his connection with Olave Sitricson embroiled him with the warlike Athelstan, it relieved his kingdom from the incursions of the Northmen, for with the exception of the contests which arose in later times between the Jarls of Orkney (a different race from the Hy Ivar), and the lords of the northern provinces—a rivalry which incidentally tended to strengthen the authority of the Scottish kings at the expense of their too powerful dependants—no further allusion is made to the attacks of the Scandinavians beyond an occasional and isolated inroad upon the eastern coasts of Scotland. The contemporary of four of the Anglo-Saxon kings, Constantine, during the course of his lengthened and chequered reign, was a witness of momentous changes; the enemies of his youth and manhood became the firm allies of his later years, and the neighbouring monarchy, which had been rescued from ruin by the genius of the great Alfred, strengthened by the steady policy of Edward and his talented sister, and raised to an unexampled pitch of glory by the energy and valour of the indomitable Athelstan, threatened, before the close of his eventful career, to relapse into its original disunion when no longer upheld by the arm of the mightiest warrior who ever sat upon the throne of Saxon England. The dynasty of Wessex, indeed, survived the crisis;

but the permanent settlement of the Northmen during these reigns, in the southern division of ancient Northumbria, introduced a foreign element between Bernicia and the Southumbrian provinces, thus preventing the consolidation of the Anglo Saxon kingdom, and contributing materially to the success of those incessant encroachments of the Scottish kings upon the Northumbrian Saxons, which were only checked by the Norman Conquest.*

Malcolm the First. 943–954.

Malcolm, the first of his name, and a son of the second Donald, succeeded to the authority relinquished A.D. 943.

* The period of this reign has been chosen by the Anglo-Norman writers as the era in which a feudal supremacy, in a strict Anglo-Norman sense, was first acquired over Scotland by her southern neighbour; and the theory, as might be expected, is supported in an appropriate manner. Three years after the death of Reginald, the fiery Dane is resuscitated from his grave, and placed, by the fiat of the English chroniclers, side by side with Constantine and the Prince of Strath Clyde, brought, together with the whole free population of Cumbria, Scotland, and Danish Northumbria, from the borders of the Forth, the Clyde, and the Humber, to the distant Peak of Derbyshire, to tender homage to the Saxon Edward at Bakewell! Yet their submission, and even the unwonted journey so far from their respective frontiers, fail to avert their sorrowful fate; for though Reginald is permitted to return to his tomb, his luckless companions are wantonly hurled from their thrones upon the accession of Athelstan; whilst, to enhance the glory of the Saxon king, Aldred of Bamborough is made the companion of their flight. He was the faithful friend of Edward, the son of Eadulf, "the darling" of the great Alfred, — considerations which have little weight with the ruthless chroniclers; and Aldred is raised to an evanescent independence, to swell the triumph of Athelstan by being ejected from what is called "his kingdom!" As history advances, fresh links are added to the chain of bondage, and the decreasing power of the Anglo-Saxon monarchs marches hand in hand with the increasing submission of the Scottish kings. Then is exhibited the singular anomaly of an obedient and obsequious vassal appropriating without ceremony the territories of his sovereign lord, until the climax is attained in the reign of the Confessor; and at a time when the over-powerful subjects of that prince seem to have been fast verging towards independence, freely and willingly does the Scottish king tender that allegiance for his entire kingdom which the iron-willed successors of the feeble Edward in vain attempted to extort. Into such errors and inconsistencies have the great majority of Anglo-Norman chroniclers fallen in

by his venerable kinsman, whilst the brother of Athelstan step by step was winning back the territories ceded to the Northmen at the commencement of his reign. The great Mercian confederacy of "the Five Burghs" was first reduced to submission, and Northumbria ere long again acknowledging the authority
A. D. 944. of the English king, Olave Sitricson abandoned the province, driving Blacar Godfreyson out of Dublin, and establishing his authority over the Irish Norsemen, whilst his confederate Reginald, Blacar's brother, disappears from history, and Edmund, released from his Danish foes, was at liberty to turn his arms against Cumberland.*

Much confusion has arisen from the ambiguous use of the appellations of Cumbria and Cumberland. The former name was undoubtedly applied at one time to a wide extent of country stretching at least from Dumbartonshire to North Wales, from which district it was early separated when the greater part of modern Lancashire was added to the Northumbrian dominions. A little later the grants of Egfrid to St. Cuthbert must have severed the modern counties of Cumberland and Westmoreland from the northern Cumbria or Strath Clyde, which was still further cur-

endeavouring to found a claim to a feudal supremacy over Scotland in an age in which neither amongst Scots nor Anglo-Saxons was the feudal system in force.—*V. Appendix L*, pt. 1.

* *Chron. Sax. An. Ult.* 943.—Roger of Wendover is the earliest authority for the tale of Edmund expelling Dunmail—hardly the same person as Donald MacEogan, who died in 975—and putting out the eyes of his two sons (vol. 1., p. 398). The story is probably about as true as the account of the same chronicler that the English king was assisted on this occasion by Llewellyn of South Wales. In 945 Howell Dha was king of South Wales, and as none of his sons bore the name of Llewellyn, the only person whom the Welsh writers can find to participate in the expedition is Llewellyn ap Sitsylt—who died 76 years later, in 1021—the father of Harold's opponent, Griffith, and of Blethyn and Rhywallon, who figured, considerably more than a century later, in the reign of William the Conqueror. The next thing heard of this Llewellyn is in 1018, when, says Caradoc (*Hist. Wales*, p. 79), "Llewellyn ap Sitsylt having for some years (*seventy-three*) sat still and quiet, began now to bestir himself." It was time!

tailed by the settlements of the Angles in the diocese of Candida Casa, a district of which the greater part, if not the whole, had by this time probably fallen into the hands of the ancestors of the Picts of Galloway.

Southern Cumbria or Cumberland does not appear to have been included amongst the conquered districts recovered by the Britons after the defeat and death of Egfrid at the battle of Nectan's Mere. When Eardulf the bishop carried off the relics of St. Cuthbert and St. Oswald from the profane violence of a pagan as fierce as Penda, the most trusted companion of his hurried flight was Edred, the Saxon Abbot of Carlisle; and there is little reason to doubt that at this time the descendants of the men who won the land in the days of Egfred still peopled the broad acres granted to the monastery of St. Cuthbert. Forty years later it is told how Edred, the son of Rixinc, the foremost chieftain amongst the nobility of Deira, rode "westward over the hills," slew the Lord Eardulf, a prince of the Bernician race of Ida, carried off his wife "in spite of the Frith and the people's wishes," and held forcible possession of territories reaching from Chester le Street to the Derwent, till he lost both lands and life in the battle of Corbridge Moor.* All these names are genuine Saxon, and though the original British population may still have lingered amidst the lakes and mountains of their picturesque region, it may be safely doubted whether they paid either tribute or submission to the Scoto-British prince who yet retained some vestiges of authority over the fertile valley of the Clyde; and whilst Scottish Cumbria or Strath Clyde continued under the rule of a branch of the MacAlpin family from the opening of the tenth century till the reign

* *Sim. Dun. Twysden*, pp. 14, 74.

of Malcolm the Second, English Cumbria or Cumberland, when it was not under the authority of the Northumbrian earls, in whose province it was included, may be said to have remained in a state of anarchy till the conquest.

The numerous lakes of the latter district, and its situation upon the north-western coast of England, must have offered at this time an admirable retreat to the Vikings from Ireland and the Islands; and Edmund, after clearing the province of these danger-
A.D. 945. ous intruders, made it over to the Scottish king, on condition that Malcolm should become his faithful "fellow-worker" or ally, by land and sea.* Upon the death of Edmund, the same arrangement was renewed with his successor Edred, when he received the submission of the Northumbrian Danes; and
A.D. 948. when Eric attempted to re-establish himself in York,

* *Chron. Sax.* 945. *Midwyrhta*, "fellow workman," is the expression used, which the feudal ideas of a later age naturally rendered *fidelis;* and an alliance, only lasting for the life of Malcolm, was accordingly transformed into a regular feudal transaction, existing for generations. The earlier authorities, from the chronicle and Æthelward, make no mention of any such thing; and Kenneth the Second appears to have been as ignorant of it when he harried Cumberland in 971, as Ethelred when he wasted the same province in 1000; nor could Simeon of Durham have been aware of such a compact when he wrote that, in 1072, Malcolm the Third held Cumberland "Non jure possessa sed violenter subjugata," expressions which can scarcely be reconciled with the uninterrupted possession of the province as a feudal fief for 127 years. When John of Fordun compiled his history, he eagerly seized upon the means of escaping the numerous claims for homage put forward in the rival English chroniclers; and Cumberland, in his pages, becomes the counterpart of the earldom of Huntingdon during the twelfth and thirteenth centuries, the Scottish king invariably granting it to the heir, or tanist, who duly performs homage to the Saxon monarch for the fief held of his crown. On one occasion a tanist is called into existence for this sole purpose, and the veracious historian, after fabricating the apocryphal being, is obliged to murder his own creation to account for his not appearing amongst the Scottish kings. The same *myth*, Malcolm, king of the Cumbrians, unites with Kenneth the Second in witnessing a charter which the latter is supposed to have signed as king five years before he ascended the throne, and is very appropriately placed amongst the eight oarsmen who manned the boat of Edgar in his apocryphal progress on the Dee.—*V. Appendix L*, pt. 1.

he received no assistance from Malcolm, and was hardly chosen king before he was again driven from the province.* The case was different in the following year, when Olave Sitricson returned for the last time to claim the inheritance of his father; for though the Scottish king was bound by his oath to be faithful to his alliance with Edred, the weight of years had not yet quenched the fire of his aged predecessor, nor had the peaceful life of the cloistered monk obliterated the recollections of the soldier. Roused at the approach of his relative and ancient ally, Constantine, to satisfy the scruples of his kinsman, resumed for a time the sceptre he had relinquished, and forgetting the abbot in the king, he once more led his countrymen against the foe, and they long recounted with exultation and pride how royally their veteran leader swept the patrimony of St. Cuthbert to the distant borders of the Tees. Returning in triumph from his successful foray, the warrior-abbot resigned for the last time his ephemeral authority, and again assuming the character of a churchman, ended his days three years later, within the walls of the monastery of St. Andrews.† A. D. 949.

In the year in which his aged predecessor at length sunk to rest, Malcolm, uniting with the Saxons and Britons, opposed an inroad of the Northmen, and on this occasion he may have faithfully fulfilled the compact which he appears formerly to have evaded. The Northmen were victorious over the united forces of the allies, and the result of the battle probably A. D. 952.

* *Chron. Sax.* 946, 948.

† *Chron. Sax.* 949. *Innes*, Ap. 3. The seventh year of Malcolm corresponds exactly with 949, the year in which Olave reappeared in Northumbria, and the curious tradition preserved in the old chronicle that Constantine resumed his authority for a week to head the Scottish army in an incursion to the Tees, must surely be connected with the arrival of his son-in-law, and the reluctance of Malcolm to break the engagement by which he held Cumberland.

re-established Eric in Danish Northumbria.* His arrival was fatal to the supremncy of Olave, who, quitting England for the last time, settled finally in Dublin, where he soon acquired an ascendency surpassing that of all his predecessors, establishing his family as the rulers of the Irish Norsemen, and exacting hostages and levying tribute over the whole extent of Ireland, from the Shannon to the sea. For nearly
A. D. 980. thirty years his power was unbroken, until the decisive victory of Tara first re-established the superiority of the native Irish, which the more celebrated
A. D. 1014. but less important battle of Clontarf was destined subsequently to confirm. Olave, who was not present at the battle, did not long survive its issue. The spirit of the aged Northman was broken by the death of many of his sons, and relinquishing his authority to Sitric, one of the survivors, he quitted the scene of his former triumphs, and the last days of the most formidable opponent of the great Athelstan were passed in the seclusion of Iona.† Long before the death of Olave, the career of his rival Eric had been brought to a close. Driven from Northumbria after a reign of only two years, he appears to have fallen in a skirmish on Stanemoor, slain by Magnus Haraldson, through the treachery of Osulf, who was rewarded with the Eorldordom of Northumbria, whilst Man and the Hebrides fell to the share of Magnus.‡

* *A. F. M.*, 950. *Chron. Sax.* 952.

† *Tigh.* 980. *A. F. M.*, 1014. The account of Tighernach reveals both the extent of Olave's power and the far greater importance of the first victory which broke it. The death of the old warrior is described rather quaintly by the annalist "post pœnitentiam et *bonos mores*."

‡ *Chron. Sax.* 954. *Sim. Dun. de Gestis*, 1072. *Wendover*, vol. i., p. 402. *Heimskringla*, *Saga* 4, c. 4. The Henricus and Reginaldus of Wendover are probably the Harek and Rognwald of the Saga. Simeon calls Maco or Maccus a son of Olave, but Olave had no son of that name, and Maco was probably "Maccus Archipirata," or Magnus Haraldson, king of Man and the Islands, who was the head of a

Two years after the death of Constantine, Malcolm followed him to the grave. He was slain at Ulurn, not far from Forres, in the vicinity of the same spot where his father had perished upwards of half a century previously. The northern districts appear to have been peculiarly fatal to this branch of the reigning family, and Malcolm's death may probably be attributed to the vengeance of the men of Mærne, for the death of Cellach, a northern Mormaor, whose defeat in the earlier years of the king's reign is amongst the occasional vague notices in the Scottish chronicles, which alone remain to shed a dim light upon the incessant contest waged for many generations between the northern and southern provinces of Scotland.* A. D. 954.

Indulf . . . 954–962.
Duff . . . . 962–967.
Culen or Colin. 967–971.

Three kings followed in the usual alternate succession during the next seventeen years, half of that

different branch of the Hy Ivar. His father, Harald, who was killed in Connaught in 940, was the son of Sitric *Mac* Ivar, or the elder Sitric, who killed, or was killed by, his brother Godfrey, and was the head of the Norsemen of Limerick. The power of the Limerick Hy Ivar appears to have received a severe shock when Olave Godfreyson, shortly before the battle of Brunanburgh, destroyed all their ships and captured their leader, Olave Cen-Cairedh. *A. F. M.*, 934, 938.

* *Innes*, Ap. 3. *Wynton*, bk. 6, c. 10. *An. Ult.* 953. The men of Mærne occasionally make their appearance in early Scottish history, and generally in company with the men of Moray. It has been frequently assumed that they belonged to a certain earldom of the Merns, comprised in modern Kincardineshire, though Mr. Skene (*Highlanders*, vol. ii., c. 9) places them on the western coast, where he supposes that there once existed an earldom of Garmoran. The same objection, I fear, may be raised against the earldom of Gatmoran which is urged against the earldom of the Merns—the total silence of history respecting it. When a dim light is first shed upon the northern provinces, the name of Moray, which must have once been applied to the whole line of sea-coast—*Armorica*—in this direction, is confined to the westward of the Spey, whilst the eastern tract of country is broken up

period being comprised in the reign of Indulf, the son of Constantine the Second. The grant of Cumberland was not renewed, either on account of the distracted state of England after the death of Edred, or possibly because of the somewhat doubtful manner in which the former king fulfilled his engagements, and the connection of his successor with the still formidable ruler of the Dublin Norsemen; but the loss of the English province was soon compensated by the capture of Edinburgh, the first known step in the progress of the gradual extension of the Scottish kingdom between the Forth and Tweed. A century previously the jurisdiction of the successor of St. Cuthbert still reached as far as Abercorn upon the Forth, but henceforth it was bounded by the Pentland hills until about fifty years later, when the historian of Durham has to record a more important loss, and to mourn over the contraction of the diocese within still narrower limits.* Twice was Indulf called upon to repel the inroads of the Northmen, who appear to have crossed the eastern seas, and endeavoured to effect a landing upon the coasts of Buchan and Banff. On both occasions he was successful, driving the invaders to their ships, the latest victory, however, costing him his life, for he fell in opposing the descent of the Norsemen at Invercullen.†

into the earldoms of Mar and Buchan, and the districts of Strathbogie and the Garioch, both "in the crown," *i.e.*, conquered. The name of Mærne has by this time disappeared, unless it still survived in *Mar*, representing only a portion of the ancient province, but I should imagine it is to be sought for in this quarter, which would account for the connection of its people with the men of Moray; and if ancient Mærne once included Kincardineshire, the name of "the Merns" may have been retained, like that of Northumberland or Cumberland, by a comparatively small portion of the original province.

* *Innes*, Ap. 3. *Sim. Dun. de Gestis*, 854, and p. 139.

† *Innes*, Ap. 3. *Wynton*, bk. 6, c. 10. *Fordun*, l. 4, c. 27.—The old chronicler calls the Northmen "Sumerlide"—summer army—an expression similar to the "micel sumorlida" of the Saxon Chronicle 871. In fact, piracy was the *summer* occupation of the Norsemen.

Sufficient time had now elapsed since the accession of the Dalriad princes to the throne of Scotland to develope the principle of division inseparable from the Gaelic system of government, each branch of Kenneth's family endeavouring, after the lapse of a few generations, to shut out the other from the throne, and to monopolize the right to the alternate succession as the exclusive prerogative of their own peculiar line. Accordingly the reign of Duff, the eldest son of Malcolm the First, and representative of the senior branch of the royal family, appears to have been passed in a continual struggle against the pretensions raised by the now rival line of Aodh in the person of Indulf's son Colin, and though at first successful, defeating Colin at the battle of Duncrub, A.D. 965. in which the Mormaor of Atholl and the Abbot of Dunkeld, partizans apparently of the defeated prince, were numbered amongst the slain,* he was subsequently less fortunate, and was driven by his rival from the throne, losing his life on a later occasion at Forres, a place so disastrous to every member of his family, where his body is said to have been hidden under the bridge of Kinloss, tradition adding that the A.D. 967. sun refused to shine until the dishonoured remains of the murdered monarch received the burial of a king.†

An uneventful reign of four or five years is assigned to his successor Colin, terminated as usual upon the field of battle, where he is said to have fallen with his brother Eocha in a battle fought against the Britons of Strath Clyde. Such at least A.D. 971.

* *Innes*, Ap. 3. *An. Ult.* 964. The hostility of the house of Atholl was destined in the end to be fatal to the line of Duff.

† *Innes*, Ap. 3, 5. *Fordun*, l. 4, c. 28. *An. Ult.* 966. From the first authority it would appear as if Duff never recovered the throne, and the story of his death rather favours the idea that he was killed when in exile.

is the account left by the earlier authorities, though he is generally represented in the pages of later chronicles as the victim of private revenge, assassinated in the Lothians by Andarch MacDonald, a British prince, who avenged in the blood of the king an insult offered to his daughter.*

* *Innes*, Ap. 3, 5. *An. Ult.* 970. Wynton and Fordun give the name of Radoard to the British prince. The line of Constantine the Second generally appears in connection with the south of Scotland.

CHAPTER IV.

KENNETH THE SECOND—971–995.

No opposition seems to have been offered upon the death of Colin to another son of Malcolm the First, A.D. 971. who ascended the throne as Kenneth the Second; though the subsequent death of Colin's brother Olave, about six years later, may point to a continuance of the struggle between the rival branches of the reigning family, and appears to have established Kenneth for the remainder of his life in undisputed possession of the throne.* Immediately upon his accession, after providing for the safety of his kingdom by throwing up entrenchments at the fordable points of the Forth, he followed up the successes of his predecessor Indulf, ravaging Cumberland to Stanemoor and Deerham, and carrying off a captive of high rank amongst the neighbouring Saxons of Northumbria.† Unfortunately the old chronicle, which has hitherto so faithfully noted down the events of this distant period, breaks off abruptly at the approach of a more interesting epoch, and the history of Scotland must for many years be sought for principally in the chronicles of other countries. Considerable light is thrown upon the state of the extreme northern districts during the reign of Ken-

* *Tigh.* 977.

† *Innes*, Ap. 3. Kenneth's ravages reached "ad Stammoir, ad Cluiam et ad stang na Deram," according to Pinkerton's version of the Chronicle. The captive is called a son of the king of the Saxons—probably of the Northumbrians.

neth by the accounts in the Norwegian Sagas, as in the time of this king the powerful Jarls of Orkney were first brought into collision with the neighbouring Mormaors on the mainland.

A.D. 875. When Rognwald, Jarl of Mæri, heard of the death of his nephew Guttorm Sigurdson,* he immediately dispatched Hallad, one of his own sons, to take possession of the Orkneys; but after a year's experience of the troublesome acquisition the newly appointed Jarl abruptly relinquished his dominions, preferring the comparative peace of a *Holder's* life in Norway to the arduous dignity of a Jarl amongst the Vikings. Vehemently incensed at his return, Rognwald bitterly reproached Hallad and his brother with inheriting the servile blood of their mother,† upon which Einar, hitherto conspicuous only for his excessive ugliness, and the harshness of whose features was increased by the loss of an eye, professed his readiness to undertake the government of the Orkneys, remarking that he should relinquish a home which he had little cause to love, and only requiring to be supplied with a ship and a sufficient force to enable him to assert his claims successfully. He added a promise, that if his offer were accepted his father should see his face no more, a stipulation, as he drily observed, that was likely to prove the most gratifying part of the arrangement. In his estimate of his father's feelings he was not mistaken, Rognwald frankly avowing that were it for this sole purpose he should be provided with a ship, though

* *V.* Chap. 2, p. 47.

† They were the sons of a female slave. The surviving legitimate sons of Rognwald were Thorer, who succeeded his father in Norway, and the famous Gangr Rolf, founder of the Norman dynasty, and ancestor of William the Conqueror. The *Holder* was the old *Allodial* proprietor amongst the Scandinavians of those days, answering to the *Eorlcundman*.

he feared little honour would result from the expedition. Such were the circumstances under which the ancestor of the powerful Jarls of Orkney first set sail from his native shores of Norway.

Arrived amongst the islands he soon cleared them of the Vikings, who found in Einar a far more formidable opponent than the indolent and peaceful Hallad. His promise to his father he kept to the letter, and he saw his face no more; though when the increasing favour shewn to Rognwald so provoked the jealousy of two of Harold's sons that they burnt the Jarl in his own house, Einar gloried in becoming his avenger. Halfdan, one of the murderers, flying from the vengeance of his incensed father, arrived so unexpectedly at the Orkneys that Einar was taken by surprise and had barely time to escape to the mainland; but his absence was of short duration, and surprising Halfdan in his turn, he seized upon the wretched prince, inflicting on him the cruel death of the Spread-eagle. Whatever punishment Harfager might have intended for his son, he was exasperated on learning that Einar had forestalled him, and immediately prepared a fleet for an expedition against the Orkneys; but he suffered himself in the end to be diverted from his intention, and was eventually satisfied with the exaction of a heavy fine from the islands. Einar, however, turned even the intended punishment to his own advantage, undertaking to pay the whole sum on condition that the Odallers or Freeholders resigned their Odal rights in his favour, or in other words submitted to be taxed and to hold their lands of the Jarl; and from the date of this arrangement all the lands in the earldom remained for many years the sole property of the Jarls.

The rest of Einar's life was passed in undisturbed possession of the earldom he had so unexpectedly acquired; and upon his death it was equally divided, according to the ancient custom, amongst his three surviving sons. Arnkel and Erlend, the two eldest, followed the fortunes of Eric Blodæxe, losing their lives in his service, when the whole earldom was again reunited under the sole authority of the surviving brother Thorfin the Skull-cleaver. In spite of his formidable name, Thorfin was of a peaceful character, resembling his uncle Hallad in his aversion to war, rather than his father Einar; and when the sons of Eric arrived in the Orkneys with the shattered remnants of their followers, he at once acknowledged their claim to his allegiance, submitting without a struggle to their authority;* though they soon released him from further annoyance by sailing for Norway to try their fortunes in their ancestral dominions, when Thorfin ruled his earldom in peace, dying about the commencement of Kenneth's reign.† He married Grelauga, a daughter of Duncan Mormaor of Caithness, by Groa, the sister of Thorstein Olaveson, and upon his death left five sons to inherit his island earldom, and possibly with some claims upon the mainland inheritance of their maternal grandfather.‡

* Eric Blodæxe was killed in the year 954. His sons attacked Hakon the Good for the second or third time, after he had reigned twenty years, *i. e.*, about 957. The arrival of Gunhilda and her sons in the Orkneys must have fallen between those two years.—*Heimsk. Saga* 4, c. 22.

† Hakon reigned for 26 years, and Harald Greyskin for 15, after the death of Harfager in 937, which would place the death of Harald in 978.—*Heimsk. Saga* 4, c. 28; *Saga* 6, c. 13. When the sons of Eric escaped to the Orkneys, immediately after the death of Harald, they found the sons of Thorfin in possession of the islands.—*Do.*, *Saga* 6, c. 16. The Orkneyinga Saga says that Thorfin was still alive but died soon afterwards. His death must have occurred about the year 978.

‡ *Ork. Saga in Col. de. Reb. Alb.*, p. 339.

Three of the brothers in succession married Ragnhilda, the daughter of Eric and Gunhilda. The mother had been celebrated as the most treacherous, as well as the most beautiful woman of her time, and the daughter appears to have inherited a full share of both the maternal qualities. After contriving the murder of her first husband Arnfin, she married his brother Havard, but soon repenting of her second choice, she released herself with as little compunction as before, exerting her influence over the Jarl's favourite nephew with such success that the luckless Havard was surprised and put to death by a kinsman of whom he harboured not the remotest suspicion; and the scene of the foul murder, the mysterious and once sacred "stones of Stennis" are still sometimes known as Havard-Steigr. The first to exclaim against the treacherous deed was the widowed consort of the Jarl, and Ragnhilda's whole soul appeared absorbed in a burning desire for vengeance, until the hope of winning the favour of the beautiful mourner induced another relative to undertake the sacred duty of revenge. Upon his return to claim the promised reward—a fair wife and an earldom—he found them both in the possession of the third brother Liotr, and he lost his life in a vain attempt to wrest, at least the latter, from the more fortunate son of Thorfin. Whilst Liotr was in possession of the earldom, Skuli, one of his surviving brothers, presented himself at the court of the Scottish king Kenneth, and obtained from him either a grant of the possessions of his maternal ancestor the Mormaor of Caithness, or a promise to support the pretensions he was encouraged to raise upon the island dominions of his brother. Collecting an army in Caithness, Skuli crossed the Pentland Firth to establish his

claim upon the Orkneys, but he failed in his attempt and was driven out of the islands; when Liotr, emboldened by success, passed over to the mainland and again defeated his brother in the Dales of Caithness, where Skuli lost his life, continuing to fight bravely after the rout and dispersion of his army. Liotr then subdued the whole of Caithness, a proceeding which aroused the jealousy of his powerful neighbour Malbride MacRory the "Earl," or rather perhaps the "Oirrigh of Moray," and both parties preparing for a contest, Malbride advanced to Skida Moor to drive the intruder from the country. The struggle was obstinate, victory in the end declaring for the Orkneymen, though it was purchased with their leader's life, Liotr dying soon afterwards of a wound he received in the battle. Lodver, the last surviving son of Thorfin, now succeeded to the earldom, bequeathing it very shortly to his son Sigurd. He was the only member of his family who died a peaceful death, owing perhaps to his marriage with Auda, a daughter of an Irish king Kerval, an alliance through which he was fortunate enough to escape the dangerous fascinations of Ragnhilda.

Jarl Sigurd Lodverson retained forcible possession of Caithness, intrusting it to the charge of his brother-in-law Havard, until intelligence reached him ere long that two Scottish nobles, whom the Saga describes as "Earls," had slain Havard in Threswick and were ravaging his territories on the mainland. The Jarl waited only to collect his followers from the Orkneys, and crossing the Firth was joined by the men of his other earldom, who informed him that the Scottish leaders, to whom the Saga gives the names of Hundi and Malsnechtan,

were at that moment in the neighbourhood of Duncansby Head. Unlike Sigurd, who was now advancing with his whole force united, the Scots allowed themselves to be drawn into action before the arrival of an expected reinforcement; and although victory inclined to their side in the early part of the battle, Malsnechtan was slain at the close, and Hundi driven from the field; though any advantage that might have arisen from Sigurd's success was neutralized by the approach of "Earl" Malcolm, who appears to have landed during the contest with a considerable force at Dungall's Bay. The Jarl's men, already exhausted by a protracted and hardly contested struggle, were in no condition for a second engagement with the fresh army advancing under Malcolm, so collecting the trophies of his barren victory, Sigurd retreated to his island fastnesses, and the mainland conquests of the Orkney Jarls reverted for the time to other possessors.*

It must have been soon after this battle that Olave Tryggveson, returning from England to Norway, touched at the Orkneys, and seizing upon Sigurd, who was totally unprepared for an attack, with all the zeal of a recent convert, offered him the alternative of immediate execution or of at once

* All these events must have occurred between 978 and 994, for the battle of Dungal's Nœp was fought in or before the latter year. Kari Solmundason, and the son of Nial, were present at this engagement, and after remaining two winters and a summer with Sigurd, departed for Norway in the following summer, *i. e.*, two years after the battle, with the tribute for Jarl Hakon, and as the Jarl's death occurred in 996, the battle must have been fought at least two years before that date. It probably occurred a few years earlier, as the same Saga alludes to the defeat of Godred of Man, whose reign extended from the death of his brother Magnus, about 977 to 989. *An. Inisf.* 977. *Tigh.* 989. *Niala Saga*, *Col. de Reb. Alb.*, p. 334, 338. The Hundi of the Sagas seems to have been Crinan. The account of these transactions is taken from the *Heimskringla Saga* 3, c. 27 to 32; *Saga* 4, c. 3, 4, 5; *Saga* 7, c. 99; and the *Olaf Tryggvessonar Niala* and *Orkneyinga Sagas* in *Col. de Reb. Alb.*, p. 327, etc.

embracing the Christian faith, and acknowledging himself a tributary of Norway. Any lingering love of Odinism vanished before the necessity of the case, Christianity became the religion of the islands, and Olave carried off Hundi Sigurdson as a hostage for the fidelity of his father. His allegiance to Norway sat lightly on the Jarl, and ceased with the life of his son a few years afterwards; but as the conversion of the Orkneymen dates from this summary proceeding, and no allusion is ever made to a relapse, it may perhaps be concluded that his Christianity was more enduring.*

Whilst these events were occurring in the North, and the attention of the Moray chieftains was fully occupied by the encroachments of their powerful neighbours, Kenneth, who appears to have been an able and energetic prince, seems to have been actively engaged in another quarter of his dominions; and although no account has been handed down of the nature of the transaction which eventually cost the king his life, there is much reason to connect it with an attempt on his part to reduce under his more immediate power a portion of the kingdom which had hitherto continued in a condition of comparative independence.

Extending along the eastern coast of Scotland was a district of which the whole or part was known as Angus, though it would be difficult to define its ancient limits with accuracy. In later days the name of Angus has been looked upon as equivalent to Forfarshire, but the old Pictish kingdom may once have reached to the Isla and the Tay, on its southern frontiers, whilst towards the north it bordered on the marches of Mar, or by whatever

* *Heimsk. Saga* 6, c. 52; *Saga* 7, c. 99.

name the district may have been known, which was once the principality of Cyric.* Originally an independent province, it probably became subordinate at some remote period to the kingdom of which the foundations were laid by the elder Angus and Constantine, in other words, the lord of the district paid *can* or *cios* to the king of Scots in peace, or acknowledged his authority in some similar manner, and led his followers to support the royal cause in war; but beyond such vague tokens of dependence he ruled with undiminished authority over all who acknowledged his claim to be their *Cen-cinneth*, or the head of their race by "right of blood."

During the earlier reigns of the kings of the line of Kintyre, the "Mormâors" of Angus were evidently personages of considerable importance, as their deaths are occasionally entered in the oldest existing chronicle, the latest notice of a member of the family occurring during the reign of Colin. In the time of Kenneth the direct male line appears to have ended in Cunechat or Connor, who transmitted his rights to a daughter of the name of Finella, and she hoped in her turn to bequeath them to her son. In this expectation she was disappointed, for upon some long forgotten pretext the heir of Angus was condemned and executed at Dunsinnan;† and as the greater part of this province was included in the deaneries of Gowrie, Angus, and the Merns, which, after the changes introduced into the constitution of the Scottish church by David the First, appear under

* The Isla and the Dee are the boundaries assigned to one of the old Pictish kingdoms in the description of Andrew, bishop of Caithness, in *Innes*, Ap. 2.

† Such is the account of *Wynton*, bk. 6, c. 10, and *Reg. St. And.*, *Innes*, Ap. 5, with which *Fordun*, l. 4, c. 15, agrees. Boece of course is able to supply every deficiency in his own peculiar way.

the episcopal jurisdiction of St. Andrews, it is highly probable that the "Bishop of the Scots" first acquired his spiritual authority in this direction when "the King of Scots" cut off the last heir of the ancient line of princes and annexed his province to the crown, exercising the rights of a conqueror by "giving Brechin to the Lord."*

The bereaved mother never forgave the outrage, and the scene of Kenneth's death, Fettercairn in Kincardineshire, where he is said to have perished through the treachery of his immediate attendants, favours the tradition connecting the catastrophe with the vengeance of Finella. If any credit can be attached to the accounts of authorities who wrote four centuries after the occurrence, policy induced her to wear the appearance of forgetfulness until she had succeeded in persuading the king to entrust himself within the walls of her "castle of Fettercairn," where he lost his life by a curious and complicated machine,

* The principle of "the right of blood" latterly exercised a social influence over the ecclesiastical as over the political system of the Gaelic people, and bishops and abbots made their visitations and exacted their dues amongst a population united to them, in a certain sense, by the ties of kindred, whilst most of the superior offices in a monastery became hereditary. Not that they were invariably held from father to son, but the right of presentation to certain offices becoming vested in certain families, the people grew by degrees to be united to their abbots and other ecclesiastical dignitaries by a similar tie of blood to that which bound them to their chiefs and princes, and an abbot not chosen from one of the families of the district in which his monastery was placed, would have appeared (in an unconquered country) as great an anomaly as a chieftain or a king of alien blood—an *ungecyndne cyning*. When, therefore, Kenneth founded Brechin, which must undoubtedly have enjoyed the privilege of *Cuairt* or visitation over the same extent of country as was afterwards included in the diocese of that name, he must have possessed the power of insuring to the abbot and his monks the free exercise of their rights amongst the people of the district; in other words (as he had not inherited it), he must have conquered it. Beyond the territories over which the monastery exercised *Cuairt*, the country up to the Dee was placed under the jurisdiction of St. Andrews, the bishop of this diocese being the spiritual head of the conquests of the kings of Scots—as in the case of Lothian, for instance—except when it was otherwise arranged.

most ingeniously contrived for the fatal deed! Be this as it may, Kenneth was assassinated after a reign of twenty-four years, and if Finella, as is not improbable, was the author of his death, it is likely that her purpose was accomplished without the aid of any very elaborate mechanical contrivance, and scarcely within the walls of a feudal castle.* A. D. 995.

Fordun has attributed to this king the idea of limiting the succession to his immediate family, gravely adding, that the example of the German empire excercised much influence in deciding Kenneth to adopt this line of policy.† The fate of Olave MacIndulf, at the commencement of this reign, lends some degree of probability to the suggestion of the historian, though the king was hardly successful in his supposed policy, as the usual order of succession was preserved, and two princes intervened before the accession of his son Malcolm. More than one fabrication has been palmed upon this reign, and the memory of the king has been needlessly blackened by the assumed murder of Malcolm MacDuff, a personage of more than questionable reality, for whose existence Fordun is the earliest authority; though it is possible that some confusion may have arisen between the imaginary king of the Cumbrians and the real Olave, whose

* *Innes*, Ap. 5. *Wynton*, bk. 6, c. 10. *Fordun*, l. 4, c. 36. *Tigh.* 995. The king's visit to Fettercairn was probably a *Cuairt* or royal progress. The Prior of Lochleven merely says that Kenneth was slain by some members of his own court—the *socii sui* of Tighernach. Fordun, or rather perhaps Bowyer, names the assassins, Grim, the *son* of Kenneth MacDuff, and Constantine, the son of Culen, whilst he and Boece describe the machine which cost the king his life. It was as follows:—"In the middes of this hous was ane image of bras, maid to the similitude of Kenneth, with ane goldin apill in his hand, with sic ingine that als sone as any man maid him to throw this apill out of the hand of the image, the wrying of the samein drew all the tituppis of the crosbowis up at anis, and schot at him that threw the apill." *Bellenden's Boece*, bk. 11, c. 10.

† *Fordun*, l. 4, c. 30.

death is noticed by Tighernach the Irish annalist, a few years after the accession of Kenneth to the throne.*

Hector Boece is the first writer who places the victory of Loncarty in this reign, for Fordun makes no allusion to it, though his continuator Walter Bowyer mentions "the wonderful battle of Loncarty," fought at a time when a Norwegian army, after ravaging the country in every direction, had shut up a Pictish king within the ancient city of Perth. The provisions of the besieged were upon the point of failing, when the wily Pict, by a judicious present of his two last casks of wine, reduced his enemies to a state that ensured him an easy victory. A successful sortie was directed against the invaders' camp, their ships were burnt and sunk at the mouth of the Tay, obstructing the river, and originating the sandbanks of Drumlay, and every subsequent invasion of the northern foe, down to the expedition of Haco, in the reign of Alexander the Third, was supposed to have been undertaken in revenge for this fatal disaster.†

Such is the earliest account of the famous battle of Loncarty. There can be little doubt about its real occurrence, and it was fought probably upon the occasion of one of the earlier inroads of the Northmen at the most formidable epoch of their power. The recollection of a great victory gained upon this spot would long be preserved in the traditions of the surrounding neighbourhood, but for the

* *Fordun*, l. 4, c. 36. He merely alludes to the death of Malcolm MacDuff in the twentieth year of Kenneth's reign; but *Boece*, bk. 11, c. 9, makes the king poison him.

† *Boece*, bk. 11, c. 8. *Fordun*, l. 10, c. 17. Drumlay is characteristically explained to mean (in good Lowland Scotch) *Droun-it-lay!* The whole description is transferred by Boece to the reign of Duncan the First, the *Rex Noricus* of Bowyer assuming the name of Sueno.

circumstantial narrative embellishing the pages of Boece, that ingenious historian was probably indebted to the same sources from which he procured such accurate information about the elaborate machine for accomplishing the vengeance of Finella.*

Constantine the Third . 995–997.
Kenneth the Third . . 997–1005.

The assassination of Kenneth at Fettercairn raised Colin's son Constantine to the throne of Scotland. The last inheritor of the blood of the second Constantine, his reign, like his father's, was short and troubled, as he lost his life two years after his accession, in a vain attempt to resist the pretensions of Kenneth MacDuff.† Upon the extinction A. D. 997. of the Scottish branch of the "Clan Aodh MacKenneth," the radical defect of the old system of succession was at once developed in the immediate

* As Kenneth was the contemporary of the Anglo-Saxon Edgar, it is not to be supposed that he has escaped the claims of the Norman writers, and accordingly, at a time when he was harrying Cumberland, he figures in their pages as an attendant at the court of Edgar at Chester, forming one of a a crew of eight "underkings," who in token of humble submission rowed the king's barge in a triumphal procession on the Dee. During another visit to the English court at Lincoln, a crafty suggestion of the Scottish king about the difficulty and trouble of defending Lothian, is rewarded by the gift of the province as a feudal fief, to be held by various acts of homage, amongst others on condition of carrying the crown on all state occasions, whilst manors are provided to cover the expenses of the royal vassal on his progresses towards the southern court! It is curious to remark the tone of increasing feudalism pervading the fabrications of each succeeding century. The composers of the fictions about Kenneth and Edgar, which are only to be found in the later chroniclers connected with St. Albans, have been even more than usually imaginative, and their transparent fabrications remain as a warning to the impartial historian to look with mistrust upon all claims connected with such a tissue of anachronism and fable. *V. Appendix L*, pt. 1.

† Rathinveramon, "the fort at the mouth of the Almond" where it joins the Tay, is named as the place of his death in *Innes*, Ap. 5, the same locality as the "caput amnis Awyne" of Wynton, *v.* also *Tigh.* 997. It is said to have been the site of the ancient *Bertha*, and was swept away by the great flood at the close of the reign of William the Lion.

division of the "Clan Constantine MacKenneth,"—hitherto united by a common enmity,—into two hostile "factions," headed respectively by the grandsons of the first Malcolm. Nothing whatever is recorded of the reign of Kenneth the Third, sometimes known as Grim or Græme, a name supposed to signify the profession of great strength, or a certain sternness of character. The chronicles are silent beyond the barren facts of his accession and death, placing the
A. D. 1005. latter at Monaghvaird in Strathearn, where his defeat eight years after his victory over Constantine raised his cousin Malcolm, the son of Kenneth the Second, to the vacant throne of Scotland.*

Malcolm the Second. 1005–1034.

In imitation apparently of the example of his father, Malcolm signalized his accession by one of those inroads upon Northumbria which point significantly to the gradual extension of the Scottish kingdom on her southern frontier. Borne down by the weight of years, Ealdorman Waltheof, shutting himself up within the walls of Bamborough, placidly let the storm sweep by; but his son Uchtred, who had married the daughter of the bishop, was neither of an age nor of a temperament to look quietly on while the broad lands he had received in dowry with his bride were wasted by the northern invaders. Summoning the men of Northumberland and Yorkshire to join his standard, he soon collected a nume-
A. D. 1006. rous force, and suddenly attacking Malcolm before the gates of Durham drove him from the territory of St. Cuthbert.†

* *Innes*, Ap. 5. *Wynton*, b. 6, c. 10. *An. Ult.* 1004.

† *Sim. Dun. de obs. Dun.* (*Twysden*, p. 79). *An. Ult.* 1006. Through the

The next step of the victorious Uchtred affords a singular example of the manners of the age. Severing from the bodies of the fallen Scots a sufficient number of the best-looking heads, he committed them to the charge of four women, each of whom was to receive a cow in payment for platting the hair and arraying to the best advantage these grim relics of the foe, which were then placed on stakes at equal intervals around the walls of Durham, to answer the double purpose of striking terror into any future band of marauding Scots, and of recalling to the grateful townsmen the services of their brave deliverer. Having cleared the country of the enemy and seen to the arrangement of his revolting trophies, Uchtred bore to Éthelred the welcome news of his victory, and was rewarded for his gallantry with the hand of the king's daughter—he seems to have had neither scruple nor difficulty in releasing himself from his former wife—as well as with a grant of the *eorldom* of the Yorkshire Danes, in addition to his father's *ealdordom* beyond the Tyne.*

About the same time as Malcolm's disaster before Durham, Finlay MacRory, who had succeeded his brother Malbride in the chieftainship of Moray,—in the words of the Norwegian Saga—"marked out a battle-field for Jarl Sigurd on Skida Moor." To decline the proffered contest would have been dis-

error of some transcriber probably, these events are placed by Simeon in the year 969, when neither Malcolm nor Ethelred were reigning, nor was Ealdun bishop of Durham. The real date must have been in 1006, as the Ulster annals mention that in 1005 the Scots were defeated by the Saxons "with great slaughter of their nobles." Fordun (l. 4, c. 43) has either mistaken this battle for the later one at Carham, or has unblushingly claimed it as a victory. Before the time of Canute the difference in titles of Eorl and Ealdorman, marked the different people over whom the possessor of the title was placed in authority. Oslac is addressed as *Eorl*, Ælfhere and Æthelwine as *Ealdormen*, in the Laws of Edgar, Sup. 15.

* *Sim. Dun.*, as above; *V. Appendix M.*

graceful, but the Jarl had serious doubts about the result, for he was afraid that the Scots would outnumber him; and as his followers were infected with a similar misgiving, they murmured at the risk until Sigurd promised to restore the Odal privileges which their ancestors had resigned in the days of Einar Rognwaldson. On this agreement they followed him with alacrity, and to increase their confidence Sigurd bore with him one of those mystic banners, so famous amongst the ancient Northmen, wrought in the form of a flying raven whose wings expanded in the wind. It was the work of the Jarl's mother, the daughter of the Irish Kerval, and upon it she had expended all the magic lore for which she was renowned, promising victory to all who followed, but death to him who bore it. On this occasion the charm was successful, three warriors who carried the fated standard falling one after the other in the battle; but Jarl Sigurd won the day, and the Bonders of Orkney were rewarded for their valour by the restitution of their Odal privileges.*

The success of Sigurd against the Moray Mormaor, far from embroiling him with Malcolm, appears to have been rather gratifying to the Scottish king, who immediately gave him the hand of his younger daughter in marriage; and from this union sprung Thorfin Sigurdson, who upon the death of his father in the memorable battle of Clontarf, was immediately confirmed by Malcolm in the mainland

* *Olaf Tryggvessonar Saga* in *Col. de Reb. Alb.*, p. 330, and *Antiq. Celt.-Scand.*, p. 119. The battle must have been fought after 1005, the date of Malcolm's accession, and before 1009, the year of Thorfin's birth. The latter was five when his father was killed at Clontarf, bearing the fatal banner himself, for it seems to have acquired an evil reputation, and Hrafn the Red, on Sigurd committing it to his charge after the death of its first bearer, refused to lift it, adding somewhat unceremoniously, "Bear thine own devil thyself." —(*Story of Burnt Njal*, c. 156.)

earldom of Sutherland and Caithness, whilst the Orkneys and other island possessions fell to the share of the elder sons of Sigurd.*

Soon after Malcolm had thus established his grandson in the northern extremity of his kingdom, an opportunity again occurred for extending his dominions on the Northumbrian frontier, which ever since the days of Indulf had been the object of the aggressions of the Scottish kings. The sceptre of a great nation was fast escaping from the feeble grasp of Ethelred, and Uchtred, the opponent of Malcolm's earlier years, after twice submitting to the Danish invaders, had been put to death with the connivance of Canute from mingled motives of policy and revenge.† The guardianship of the northern frontiers then fell into the hands of Eadulf Cudel, the imitator of the supineness of his father Waltheof, rather than of the energy of his brother Uchtred. He could expect but little assistance from the Yorkshire Danes, who upon the death of Uchtred had been placed under the authority of their countryman Eric, and as the distracted state of Northumbria was not lost upon Malcolm, twelve years after his former disaster, collecting his followers for a second invasion, he prepared to exact a fearful retribution for the trophies mouldering around the walls of Durham.

During thirty days and nights, a comet, a baleful and ill-omened prodigy in the eyes of the Northumbrians of the eleventh century, blazed forth, a presage of impending woe; and when the men of St. Cuthbert's joined their countrymen at Carham, on the A. D. 1018.

* *Heimsk. Saga* 7, c. 99, with the Sagas already quoted; *vide* also the account of the battle of Clontarf in the Irish Annals.

† *Chron. Sax.* 1016. *Sim. Dun. Twysden*, p. 81.

banks of the Tweed, it was only to participate in the disasters of a defeat, and to perish in multitudes in a disorderly flight. The aged bishop sunk under the shock, dying within a few days of the battle, and such was the confusion throughout the diocese of St. Cuthbert's that for three years no successor was elected. Despairing of resistance against the power of the conqueror, Eadulf Cudel purchased an inglorious peace at the price of relinquishing Lothian, the whole of ancient Bernicia beyond the Tweed was ceded to the Scottish king, and Malcolm returned in triumph to the north, having effectually obliterated the remembrance of his failure by a more brilliant and substantial success than any of his predecessors had hitherto achieved.*

A.D. 1031. Towards the close of his life, and about thirteen years after his successful invasion of Northumbria, Malcolm was brought into contact with the most formidable antagonist that ever crossed his path, for upon his return from Rome, Canute, now king of England, Denmark, and Norway, marched with an army to the north, and both kings met upon the frontiers of their respective dominions. As no allusion is made to the cause which led to the expedition of Canute, it would be impossible to determine

* *Innes*, Ap. 4. *Sim. Dun. Hist. Dun.*, l. 3, c. 5, 6—Do. *De obs. Dun.* p. 81, *de Gestis* 1018. On comparing the passages of Simeon it is impossible to doubt that the cession of Lothian by Eadulf Cudel was the result of the battle of Carham, though there is an evident reluctance in the English chronicler to allude to the defeat and its consequences. The men of the Lothians, according to Wallingford, retained their laws and customs unaltered, and though the *authority* is questionable, the *fact* is probably true, for *Lothian* law became eventually the basis of *Scottish* law. Conquest indeed in these times did not alter the laws and customs of the conquered, unless where they come into contact and into opposition with those of the conquerors, and the men of the Lothians remained under the Scottish kings in much the same position as the men of Kent under the kings of Mercia and Wessex, probably exchanging the condition of a *harassed* for that of a *favoured* frontier province.

whether it had any reference to Malcolm's acquisition of Lothian. A brief notice in the Saxon chronicle —all that is known of the transaction—barely records that Malcolm met Canute, "bowed to his power, and became his man, retaining his allegiance for a very short time." Canute with his army returned to the south, and the results of the meeting faded away with the retreating footsteps of the mighty Dane.*

Amongst the latest notices of this reign contained A. D. 1033
in the Irish annals, an action is recorded of Malcolm, towards the close of his career, which clearly demonstrates his determined purpose to transmit the regal dignity to his own immediate descendants. According to the rule of alternate succession hitherto observed amongst the Scots—a rule which the later princes had invariably attempted to violate—the next king after Malcolm's death ought to have been chosen from the family of his predecessor Kenneth. Boedhe, the late king's son, was no longer living, but he had left a son whose name is no longer preserved, the last male representative of his race, and perhaps the Tanist, or heir apparent of the king. The death of this prince is attributed to Malcolm, whose aim it is evident in this deed of violence was to remove from the path of his grandson Duncan the sole rival claimant of the throne.† In this he was completely successful, no opposition awaiting his grandson when

* *Chron. Sax.* 1031. *MS. Cot. Tib.* B. iv. is the authority. Two later MSS. add the names of two other *kings*, Mælbeth and Jehmarc. Macbeth became Mormaor of Moray in the following year through the death of his kinsman Gilcomgain. These two kings reappear in the Heimskringla (*Saga* 7, vol. 2, p. 196. *V.* also *Lodb. Quida*, p. 101), as "*Nordan of Skotlandi of Fifi.*" If *Fifi* is here put for *Fiord Riki*, it is probably a mistake, for "the Firth kingdom" might mean Moray as well as Fife, and the name in this instance would be more appropriate to the former.

† *An. Ult.* 1033. He is called M., son of Boedhe, probably Malcolm.

he was called soon afterwards to reign; nor had Duncan long to wait for the crown, for in the following year Malcolm was assassinated at Glammis, in the same province of Angus which forty years before had proved so fatal to his father.*

A. D. 1034.

Of the direct male line of Kenneth MacAlpin, Malcolm the Second was the last and greatest king, his renown extending to the neighbouring countries, and procuring for him the title amongst the Irish annalists of the "Lord and Father of the West." He enlarged and consolidated his ancestral dominions, advancing the frontier from the Pentland Hills to the Tweed, and effecting an object that his predecessors had vainly attempted—the transmission of the kingdom to his own immediate family. The means employed for this purpose, it is to be feared, were neither scrupulous nor just; but the annals of every country at this period prove but too clearly that it was an age in which neither the ties of relationship, nor indeed any other ties, were proof against the lust of ambition.

Scotland had now reached her permanent and lasting frontier towards the south, the dependent principality of Strath Clyde having apparently, during the course of this reign, been finally incorporated with the greater kingdom. When Donald, son of the Eogan who shared in the bloody fight of Brunanburgh, died on a pilgrimage in 975, he seems to have been succeeded by his son Malcolm, whose death is noticed by the Irish Tighernach under the date of 997.† The last king of Strath Clyde who has found a place in history is Eogan "the bald," who

* *Tigh.* 1034. *Wynton*, bk. 6, c. 10. *Fordun*, l. 4, c. 46. Angus was as fatal to Malcolm and his father Kenneth, as the neighbourhood of Forres had proved to the first Malcolm and his father Donald.

† *Tigh.* 975-997.

fought by the side of the Scottish king at Carham,* probably a son of the British Malcolm whose family name he bears; and in the person of this Eogan the line of Aodh's son Donald appears to have become extinct. The earliest authorities of the twelfth century give the title of "king of the Cumbrians," meaning undoubtedly the northern Cumbria or Strath Clyde, to Malcolm's grandson Duncan, and it is probable that upon the failure of the line of Scoto-British princes, the king of Scotland placed his grandson over the province, which from that time, losing the last semblance of independence, ceased to be ruled by a separate line of princes.†

To Malcolm the Second has sometimes been attributed the foundation of an Episcopal See at Mortlach, which was afterwards transferred to Aberdeen;‡ and though as far as relates to the establishment of a regular diocese this account must be rejected, Malcolm, in imitation of his father's policy in the case of Brechin, may have "given Mortlach to the Lord;" or, in other words, he may have founded and endowed a Culdee monastery on this spot. As the erection of a religious establishment in those days necessarily implies the possession of the surrounding district, if the tradition is correct which connects Mortlach with the reign of Malcolm the Second, the plains of

* *Sim. Dun. de Gestis*, 1018. *Lutinenses* is evidently a clerical error for *Clutinenses*.

† *Flor. Wig.*, 1054. *Malm. de Gest.*, l. 2., c. 196. The Cumbrensis regio was again detached and given by Edgar to his brother David, who held it, in spite of the opposition of Alexander, throughout that king's reign. *Ailred in Twysden*, p. 344.

‡ *Fordun*, l. 4, c. 44. He connects it with a victory over the Danes. Whatever may have been the cause of its erection, the founder must have possessed an influence over the surrounding territory. In the preface to the Register of Aberdeen, the editor inclines to the opinion that Malcolm the Third was the founder of Mortlach, in which case the annexation of Strathbogie and the Garioch to the Scottish crown would have been the result of the successful northern wars of the latter king.

Lothian were not his only conquest; and, in the same manner as Kenneth acquired Angus, he must have annexed to the dominions of the Scottish crown some portion of the ancient kingdom which once aspired to be the leading principality amongst the Pictish provinces of the north.*

Certain other changes are attributed to this king, which, however they may have become warped and disguised by the *feudal* ideas of the authorities in whose pages they are found, when they are considered in connection with the actual historical events of the period, undoubtedly seem to point to Mal-

* Strathbogie and the Garioch were "in the crown" at a later period, and before the reign of David, though it would be difficult to say with certainty when these districts were annexed. Moray was forfeited under David, and the summary manner in which that king and his successors were able to deal with church property in the diocese of that name, as well as in that of Aberdeen, discloses the different relation in which the Scottish kings stood towards the people of those bishoprics and towards the population of some of the other dioceses. No Culdees appear struggling for their rights in the earlier charters of Moray and Aberdeen (though in the thirteenth century the Culdees of Monymusk tried to shake off the supremacy of St. Andrews), a proof that the powerful Gaelic families in whom these rights would have been vested, were either extinct, or so far reduced as to be in no condition to offer any resistance to the measures of David. Such was not the case in the bishoprics of Brechin and Dunblane, where the Culdees held their ground long after the time of that king, owing probably to a reluctance on his part, and on that of his successors, to alienate their great feudatories, the earls of Strathearn and abbots of Brechin, by an over prompt interference with Church property in their possession. The tradition connecting Mortlach with Malcolm the Second, has induced me to notice the annexations of these districts under this reign, in which the royal authority may have been considerably extended and consolidated in this direction, though I think it most probable that the final conquest and submission of the province was the result of the frequent and successful, though little known, northern wars of Malcolm the Third, and the subsequent successes of his son Alexander in the same quarter. The last Mormaor of the mysterious province of Mærne appears in alliance with Donald Bane; the people of the district attempted, in conjunction with the Moray men, to assassinate Alexander at Invergowrie, and then nothing more is heard either of the Mormaor or the men of Mærne; and I am inclined to connect with this disappearance the forfeiture of the ancient family, and the distribution of the ancient kingdom between Dee and Spey into the two subordinate earldoms of Mar and Buchan, and the two lordships of Strathbogie and the Garioch, long retained by a member of the royal family.

colm's reign as the era of a certain advance towards the consolidation of the royal authority, such as is distinctly traceable at different epochs in many other countries. A two-fold bond of union existed from a very early period amongst the communities into which the Celtic and Germanic people were divided, and the noble, prince, or king, was followed either from the "tie of blood," as the actual head of the race, or from "the tie of service," as the lord and master who repaid all who rendered such service according to the prevalent customs of the age; and as the former tie was at the root of the *allodial*, so out of the latter gradually arose the theory of the *feudal* system. Originally the tie of blood united freeman with freeman, whilst the tie of service connected the free with the unfree, but as inequality of rank grew up from various causes, the lesser freeman was glad to "take service" with the greater in return for his protection and support, thus forming the class known as *Gasinds* (or *Gesiths*) amongst the Germans, and amongst the Gael apparently in early times as *Amasach*—a word evidently akin to the old Celtic *Ambact*—who were either quartered temporarily upon the unfree tenantry of their patron as military retainers, or at a later period frequently exercised a delegated authority over the crown lands as *Grafs*, *Gerefas*, or *Maors*. As the royal power was increased by acquisitions at the expense of a neighbouring state, or as the head of one community acquired a permanent superiority over the rest, the importance and numbers of the royal *Gasinds* and *Amasach* increased proportionally, and very frequently, instead of the original usage, according to which the greater part of the newly acquired territory would have been portioned out more or less permanently amongst the conquerors,

as *Allod*, *Odal*, or *Duchas*, land—untaxed freehold held by right of blood—as it was more advantageous to the sovereign to reserve as much as possible for the use of the crown, the older proprietary were retained as a tributary class, remaining undisturbed under the authority of the Gasinds and Amasach, who, acting as royal deputies, collected the king's rents and led his dependants to battle, reserving for their "service" a certain portion of the royal dues, almost invariably a third. Such was the original tenure of the *Graphiones* of the early Frank kings, of the Ealdormen and Eorls, amongst the Anglo-Saxons and Anglo-Danes, and of the royal Jarls established by Harald Harfagar and other kings throughout the north; in short, it was, in early times, the universal tenure of the royal *official*, before "knight service" and the *feud* gradually superseded nearly every other tenure amongst the nobility.*

In Scotland, the royal official placed over the crown or fiscal lands appears to have been originally known as the *Maor* (the type of the royal *Maer* amongst the Cymri), and latterly under the Teutonic appellation of Thane, either a corrupted form of the Gaelic Ti'ern, or a title like *Earl*, arising from the prevalence of Anglo-Saxon law and technical phraseology after the introduction of feudalism; for the feudalism introduced by David and his successors, though Anglo-Norman, was very much based upon the Anglo-Saxon, or what was much the same, the Lothian law and customs. The epithet of Thanage was applied as well to the office as to the district over which it was exercised, of which the old Scottish name may have been *Triocha-ced* or *Cantred*, a name long equivalent amongst the Irish to a

* This subject is further treated in *Appendices D* and *N*.

barony.* The offices of *Maer* and *Cynghellwr* (or judge), amongst the Welsh, could never be conferred upon the head of a clan (or *Pencenedyl*), the same maxim of policy very probably being equally in force in Scotland, for it is in strict accordance with the immemorial Celtic principle "divide et impera;" though it may be equally referable to the invariable hostility of early royalty to *Allodial* or *Duchas* tenure from its independence of the sovereign authority. The original Thanage then would appear to have been a district held of the Crown, differing but little except in tenure, from a tract of land held by *Duchas* right; the holder, Maor or Thane, being accountable for the collection of the royal dues, and for the appearance of the royal tenantry at the yearly "hosting," and answering to the hereditary *Toshach* or captain of a clan—for the king stood in the place of the *Cencinneth*, or chief—whilst the official who acted as judge, and was subsequently known as the *Deempster* (the Welsh *Cynghellwr*), represented the hereditary *Brehon* of the tribe, the place of the lesser *Duchasach* or *Brugaidhs* being generally supplied in course of time by the kinsmen of the Thane, planted on the Thanage to hold under the head of their race as *Ogtierns*, Mesne lords, or Vavassours.†

* *Triocha-ced* is the proper name, often rendered *Cantred*, but erroneously. The Irish *Triocha-ced* was supposed to be a collection of thirty *Baillebiataghs*, or hundreds, each supposed to contain four hundred and eighty Irish acres, thus constituting a *Barony* of *nominally* 14,400 Irish acres (*A. F. M.*, 1225, *Note* S). The *Cantred*—the hundred *trefs* or villages—belonged properly to Wales, and was supposed to contain 25,600 Welsh acres, answering rather to the Continental *Canton*. The Irish and Welsh *Cantred*, therefore, must not be considered identical. For *Thanes, V.* Appendix N.

† There appears to have been the same difference amongst the ancient Irish between the *Brugaidh* and the *Biotagh*, as between the *Bonder* and *Landbu* amongst the Scandinavians. The *Brugaidh* was originally the free or adopted member of the Clan or *Cyn*, tracing his origin either really or theoretically to the founder of the race, and hence entitled to his free allotment, or *duchas*, of the tribe land; the freeholder, in short, deriving his name from his

The theory of "a *Toshach* over every *Triocha-ced*, and a *Brugaidh* over every *Baile*," was equally familiar to the Irish Gael, and as the tie uniting the officials with the population of the whole Thanage was "service," not "blood," the Thane was often known amongst his followers as their *Toshach* or captain, rather than their *Cen-cinneth* or chief by right of blood.*

When lands were strictly retained in the crown, the Royal Thane or Maor was answerable directly to the king, but there was a still greater official amongst the Scots, untraceable apparently in his peculiar Scottish characteristics amongst the kindred Welsh and Irish, known under the title of the *Mormaor* or Lord High Steward. One example of the

Brugh, *Burh*, or separate house, just as the *Bu-ander* (Bonder) from his *Bu*—the *Hus-bond*; *V.* "*Hy Fiachrach*," *passim*. The Biotagh was the man who held his land by paying *Biodh*—*Feorm* or *rent*—the colonus *Geneat* or tenant farmer, dwelling in the baille or village. The Brugaidh might have complained, like his type the Bonder, at a very early period, of being changed into a Biotagh or Land-Bu—made to pay rent; when his position must have somewhat resembled that of the Kentish *Alodiarius* or Gaveller at the time of the Norman Conquest; but after the English invasion all distinction between the two classes was speedily forgotten, both merging in the *Villeinage*. In later times, indeed, the Biotagh occasionally appears to have been of more consequence than the Brugaidh, probably because members of the former class might be holders of a far wider extent of land than the small peasant proprietor, and of comparatively greater importance. Hence the *Ard-Biotagh*, sometimes met with in the Irish annals, was probably nothing more than "a great land-holder,—the possessor of many "benefices" held by payment of Biodh or rent.—*V.* Appendix *O*.

* *A. F. M.*, 3922. The Masters attribute the institution to *Ollamh Fodla*, into whose claims I will not enter; but it is very evident, I think, that they alluded to an institution well known at least in tradition. The word *Toshach* simply means "captain" or "leader"—*dux*; the Irish *Taisigeacht* meaning "captaincy," "leadership," or "precedency." When the office of *dux*, originally elective, became hereditary, according to the invariable principle of "divided authority" so characteristic of all the Celtic communities, it remained permanently in the family of the eldest cadet of the clan, the Tighern farthest removed from the chieftainship. The "Captains of Galloway" and the "Thanes of Ross" were probably known in their native tongue as *Toshachs*—captains by right of office—for though the oldest cadet and the thane, in his military capacity, were known as *Toshachs*, it by no means follows that a Toshach was necessarily either one or the other.

peculiar tenure of the Mormaor was still existing in the thirteenth century in the Earl of Fife; for when the second Alexander and his "Parliament" levied fines upon all who had failed in their attendance on the occasion of his expedition against "Donald Mac-Niel of the Isles," the earls and their "serjeants" were strictly prohibited from entering the lands of any "tenant *in capite*"—holding directly of the king—to exact the penalty imposed, excepting only the Earl of Fife, who exercised this privilege throughout his district, not as the Earl, but as the Royal *Maor* of the county of Fife, "to claim his rights," or, in other words, to secure his allotted portion of the mulct.* The ancient Scottish Mormaor, then, was evidently a Maor placed over a province instead of a thanage—an earldom or country instead of a barony—a type of Harfager's royal Jarl, who often exercised as a royal deputy that authority which he had originally claimed as the independent lord of the district over which he presided. This change was rendered very popular amongst the aristocracy of the north, from the great increase of wealth they derived through retaining a third of the tribute exacted in the king's name from the classes hitherto untaxed; and similar considerations may have exercised an influence in facilitating the conversion of the semi-independent Gaelic *Oirrigh* into a dependent, but probably far wealthier, *Mormaor*.

The existence of the royal Maor and Mormaor—officials in direct dependence on the king, and resembling the royal Jarls and Lendermen amongst the Northmen, or the king's Ealdorman and Gerefa

* *Reg. Magest. Stat. Alex.* II., c. 15. In some respects the Irish *Oirrigh*—under-king—resembled the Mormaor; but he was a tributary king, reigning in "right of blood," not a royal *official*, though in certain cases he appears to have acted as a *Maor*.

amongst the Anglo-Saxons—implies a greater consolidation and compactness in the Scottish monarchy than was ever attained amongst the kindred Celts of Ireland or Wales; and it is to the policy pursued during the reigns of Malcolm and his father Kenneth that this result is probably to be attributed. The Maor, indeed, was an official familiar to the Gaelic people long before the era of Kenneth and Malcolm, and he probably played an important part in the conquered provinces annexed by the elder Angus and his successors; but the Mormaor—the head of a province ruling as a royal deputy instead of an independent prince—points to a revolution in the tenure of land resembling the changes introduced by Harfager, when he cancelled "*Odal* right" wherever he could extend his authority, and levied *land-tax* by means of his Jarls and Lendermen; and it was a revolution of this description that may possibly have been carried out in the course of Malcolm's reign and that of his father. Scotland, according to Fordun, was portioned out in ancient times into Thanages, or Fee-farms paying rent, held of course of the crown—for any other theory was incompatible with the ideas of the feudal era—until Malcolm, remitting the rents, gave away the whole kingdom, only reserving to himself the Moot Hill of Scone, when in return for the royal prodigality his people confirmed their sovereign's right to wardship, relief, and other feudal privileges. Lurking under this singular statement there are probably some grains of truth, thoroughly misunderstood by the chronicler; and as in the partition of Scotland into Thanages a tradition may be recognized of its ancient division into *Triocha-ceds* and *Bailes*, or Baronies and Townlands—institutions of a character inseparable from

the very existence of a *settled* community—so the reduction of the kingdom of Scotland as it then existed to a more direct dependence upon the royal authority, entailing land-tax, *merchet*, and other Celtic mulcts, in quarters hitherto exempt from such exactions, seems to be shadowed out under the *feudal* grant of the whole kingdom and the *feudal* return made by the gratitude of the Scottish people. Like Wales and Ireland, the whole kingdom was probably divided in theory into *Triocha-ceds, Cantreds*, or Thanages, the tribe lands held by chieftains as untaxed *Duchas*, the crown-lands by Maors or Thanes answerable for the rents and dues; and if Malcolm, by cancelling "*Duchas* right" as far as it lay in his power, assimilated the tenure of the whole kingdom to that of the royal Maor, or, in other words, taxed the hitherto untaxed *Duchasach*, he only brought about the same change which Harfager had already effected in Norway, and which the ministers of the Frank kings were continually aiming at five or six centuries before his era. As the Thanage was evidently regarded in feudal times as the ancient Scottish tenure throughout the whole kingdom, some such change must have been introduced upon the older state of society before the establishment of the feudal system, and both tradition and history seem to point to the second Malcolm as the sovereign who first carried out successfully a revolution so important for the aggrandizement of the royal authority."*

An apocryphal collection of laws, relating principally to the regulation of the court, has been also ascribed to the same king; and though the laws are unquestionably fabrications, it is not impossible that

* *Fordun*, l. 4, c. 48. Compare *Appendix N* (Thanes).

they were framed in a feudal era to represent the regulations which Malcolm was traditionally supposed to have enacted. The promulgation of a code of laws necessarily involves the acquiescence of all who submit to be bound by them in the supremacy of the lawgiver; and when a king is said to have established or re-enacted such a code, it may be regarded as an indirect proof of a certain stability in the authority thus centred in the royal person. When "the Gael" assembled at Forteviot to ratify with their king, Donald, the laws of his ancestor Aodh the Fair, and when they gathered round the Moot Hill of Scone, to confirm perhaps with Constantine the privileges conferred by Cyric on the See of St. Andrews, the superiority of the dynasty, whose representative presided in these assemblies, was evidently acknowledged by all who attended at their summons. The establishment of a court, the enhancement of the dignity of personal attendance on the sovereign, and the regulation of the duties and privileges attached to such service, point again to a further advance of the royal power, and to a certain increase in the kingly dignity attendant upon a fixed court and residence; marking as it were an approach to the gradual conversion of a *migratory* king quartering himself during his yearly progresses upon the provincial aristocracy, and upon the stewards of the royal manors, into a *stationary* monarch, summoning his dependent nobility to attend upon their sovereign's person in his own court and palace. The laws of Howel Dha, relating entirely to the duties and privileges of "the Court of Aberfraw," and the similar arrangements of the Norwegian Olaf, probably have reference to the commencement or the progress of a revolution of this description; and if

the apocryphal regulations of the Scottish court may be regarded as the *feudal* embodiment of a true tradition, Malcolm may be looked upon as the originator of that change through which the Scottish king, ceasing gradually to migrate from one province to another, enhanced the dignity of personal attendance upon the sovereign, and assembled his nobility in his own "palace" of Scone.

CHAPTER V.

The Line of Atholl.

Duncan the First—1034–1040.

Upon the death of Malcolm the Second the direct male line of Kenneth MacAlpin became extinct; but the rights of the royal race, originally inherited through the female line, were transmitted in the same manner through heiresses to the two great families of Atholl and Moray, whose disputes for the crown were destined to become as fruitful a source of strife and bloodshed as the sanguinary struggle between their immediate ancestors, or the earlier feuds between the lines of Constantine and Aodh.

Boedhe, the death of whose son has been already noticed, left a daughter, Gruoch, who, by her marriage with Gilcomgain, the son of Malbride MacRory, carried the claims of the line of Duff, after the death of her brother, into the family of the Moray Mormaors. Finlay MacRory, the antagonist of Sigurd Lodverson, lost his life in a feud with his nephews Malcolm and Gilcomgain, to the former of whom the earldom reverted according to the Gaelic rule of succession, until his death in 1029, when it fell into the possession of his younger brother Gilcomgain. Three years later the Mormaor was surprised and burnt in his *Rath* or fortress, with fifty of his immediate followers, leaving an infant son, Lulach, who, after the death of Boedhe's son in the following year

became the sole remaining representative of the line of Kenneth Macduff. Gruoch, the widow of Gilcomgain, was married eventually to Macbeth MacFinlay,* who had succeeded her late husband and his own cousin in the Mormaorship of Moray, when, as the husband of Gruoch and the guardian of the infant Lulach, Macbeth became the representative during the minority of the latter of his claims upon the crown of Scotland.

Bethoc, or Beatrice, the eldest of the late king's daughters, carried her claims to the race of Atholl by her marriage with Crinan, Abbot of Dunkeld, who was also the head of the Atholl family.† Their son was Duncan, the heir and successor of his grandfather, who, before his accession to the throne of Scotland, had been placed by Malcolm over the dependent province of Strath Clyde.

Another of Malcolm's daughters, a younger sister of Beatrice, married Sigurd Lodverson soon after his victory over the Mormaor Finlay, the father of Macbeth, when it was evidently the object of the late king to secure the alliance of the Orkney Jarl as a formidable rival to the hostile family of Moray. After A. D. 1014. the fall of Sigurd in the battle of Clontarf, his son Thorfin, as has been already mentioned, when a mere child, was placed by his grandfather over the earldom of Sutherland and Caithness, whilst the

* *Reg. Prior. St. And.* p. 114.

† Fordun, to whom such a being as a married abbot would have been an abomination, metamorphosed the ancestor of the royal family of Scotland into an *Abthane*, asserting that the word *Abbas* could only be a clerical error for *Abthanus*, an officer whom he places over all the king's Thanes, l. 4., c. 43. The contemporary Tighernach, however, Wynton, and the author of the Chronicle in the *Reg. Prior. St. And.* (*Innes*, Ap. 5), were ignorant that Crinan was known under any other title but that of abbot, and though *Abthanages* are to be met with in the charters, I have never yet chanced to light upon an *Abthane*. Such a name, in fact, would have been simply applicable to the maor of an abbot instead of the king—the holder of an ecclesiastical Thanage.

Orkneys were inherited by his three half-brothers, Einar, Somarled, and Brusi. Upon the death of Somarled, a few years later, Thorfin claimed a share of the islands, when Einar prepared to resist his pretensions by force, but through the intervention of the other brother, Brusi, Thorfin succeeded in attaining his object, and in this manner he first acquired a footing in the Orkneys.

Einar perished shortly afterwards in a feud, when a fresh difficulty arose upon his death about the division of his portion of the islands. Brusi, fearful lest king Malcolm, who was then alive, should support the claims of his grandson, determined upon enlisting the king of Norway in his own behalf, and for this purpose he sailed for the latter country, whither he was soon followed by Thorfin, who thought with much justice (to use the words of the Saga), "that though he stood well with Olaf, and many would support him in his absence, many more would do so if he were present." Before the arrival of his younger brother, Brusi had already resigned his Odal rights into the hands of Olaf, agreeing to be bound by the royal decision, and to hold all his lands as a *Lenderman* or royal Jarl at the will and pleasure of the king. When a similar resignation was demanded from Thorfin, he hesitated at first to acquiesce in any such arrangement; but after consulting with his friends he agreed with such alacrity to every proposition of Olaf, that the suspicions of the king were aroused, and deciding that Einar's portion had reverted to the Norwegian crown, he restored it to Brusi, relying more upon the fidelity of the elder brother than upon the youthful but ambitious Thorfin.

The pacific Brusi soon found reason to complain

of his brother, after their return to the Orkneys, for neglecting to contribute his allotted portion towards the defence of the islands; as Thorfin, residing continually on the mainland, was satisfied with limiting his connection with his insular fiefs to the punctual exaction of his dues. The younger Jarl offered to rectify his neglect, by taking the whole trouble out of the hands of his elder brother, on condition that the latter in return should surrender the disputed share; and as peace, not power, was the object of the indolent Brusi, he willingly purchased it at the price of insignificance, and at his death, which occurred about the year 1030, Thorfin, without further scruple, A. D. 1030. annexed the whole of the Orkneys to his dominions.*

Such was the state of Scotland when Duncan the First succeeded to the throne of his grandfather. In the extreme north, dominions more extensive than any Jarl of the Orkneys had hitherto acquired, were united under the rule of Thorfin Sigurdson, whose character and appearance have been thus described —"He was stout and strong, but very ugly, severe and cruel, but a very clever man." The extensive districts then dependant upon the Moray Mormaors were in the possession of the celebrated Macbeth, and though the power of those northern magnates must undoubtedly have been weakened by the aggressions of the Norwegian Jarls, it tells not a little for the energy and vigour of the late king, that his grandson was able to ascend the throne without encountering any opposition from the formidable representative of the claims of the rival family.

The early portion of Duncan's reign is void of incident, but, before long, the mainland possessions of Thorfin appear to have become an object of dis-

* *Heimsk. Saga* 7, c. 100 to 107. *Ork. Saga*, in *Col. de Reb. alb.*, p. 340.

pute, the king demanding the usual tribute due from a dependancy of Scotland, whilst the Jarl denied the justice of his claim, maintaining that he held his earldom by Odal right, as an absolute and unconditional gift from their joint grandfather Malcolm. At length Duncan, to punish his kinsman's contumacy and assert the rights of the crown, determined upon appointing another member of his family, Moddan or Madach, to replace Thorfin in the earldom, and dispatching Madach with an army to the north, he empowered him to take possession of the royal grant.* Much about the same time, the Scottish king, desirous of extending the conquests of his grandfather towards the south, laid siege to Dur-
A.D. 1040. ham, but the town was destined to become as fatal to the hopes of Duncan as it had once been disastrous to those of Malcolm, a sudden and unexpected sally spread confusion amongst the besieging army, and again the heads of the Scottish slain were ranged in triumph around the hostile walls of Durham.†

Madach had been equally unsuccessful in his attempt upon the earldom of Thorfin. Warned of the approach of his rival, the Jarl summoned Thorkell Fostri to join him with the Orkneymen in Caithness, and Madach, perceiving that an engagement with their united forces would only be attended with a disastrous result, retreated southwards for reinforcements, whilst Thorfin availed himself of the opportunity to overrun the neighbouring district of Ross. Intelligence of his proceedings reached the king at Berwick, deciding him to march at once towards the north, in order to support in person his

* *Ork. Saga, Col. de Reb. alb.*, p. 341. The fifth year of Canute's son, Harold,
† *Sim. Dun. Hist. Dun.*, l. 3, c. 9. fell in 1040.

grant of the earldom to Madach. It appears to have been Duncan's object to cut off Thorfin from the Orkneys, thus preventing his junction with Thorkell Fostri and his Norwegians, whom the Jarl, on the retreat of his rival, had permitted to return to the islands; and to carry out his purpose, he despatched Madach towards Caithness with the land army, whilst with eleven vessels he sailed round Duncansby Head to interpose his ships between the Jarl and his island home; hoping thus either to force him to fight at a disadvantage with the superior numbers of Madach, or to drive him southwards upon those Highland districts which were less well affected to his cause.

The sight of Duncan's sails in the Pentland Firth conveyed to Thorfin the earliest intelligence of his enemy's approach, and, baffled in an attempt to put to sea, and thus escape to Sandwick, he was forced to lie off Dyrness for the night and to await the king's attack on the following morning.* The ships of Thorfin were laden with the plunder of the northern provinces of Scotland, and his men fought so desperately in defence of their booty, that the king was beaten off and obliged to make for the coast of Moray, whither he was speedily followed by the united forces of Thorfin and Thorkell Fostri; the Jarl watching the movements of Duncan and collecting reinforcements from Caithness, Sutherland, and Ross, whilst he dispatched Thorkell to surprise Madach, who had now reached Thurso, where he was resting in unguarded security. The fidelity of the men of Caithness ably seconded the projects of their Jarl, so effectually concealing the approach of Thorkell, that the first notice of danger was con-

* Dyrness appears to mean Turness, in the isle of Hoy, not Durness the north-western extremity of Sutherlandshire.

veyed to the unfortunate Madach by the flames of his burning house, and he perished in a vain attempt to burst through the ranks of his enemies, and escape from the blazing ruins.

The Scottish king was still occupied in the province of Moray, where he appears to have assembled a considerable force, to which Ireland contributed her share. Strengthened by the return of Thorkell Fostri, and by the arrival of the friendly clans from the Highland districts of the north and west, Thorfin crossed the Moray Firth, and assuming the offensive, attacked the royal army, which is said to have been stationed in the neighbourhood of Burghead.* Duncan was defeated after a severe struggle, and Thorfin, following up his success, plundered the country to the frontiers of Fife, and returned without molestation to his northern earldom; whilst the double failure in Northumbria and Moray hastening the catastrophe of the youthful king, he was assassinated "in the Smith's bothy," near Elgin, not far from the scene of his latest battle, the Mormaor Macbeth being the undoubted author of his death.†

* Torfnes, south of Bœfiord, seems to mean Burghead on the Moray Firth; Breida Fiord was the Dornoch Firth. The account of these transactions is from the *Ork. Saga*, in *Col. de Reb. alb.*, as above. Kali Hundison, the name given in the Saga to the successor of Malcolm and opponent of Thorfin, can mean no other than Duncan. *Vide Appendix P.*

† *Innes*, Ap. 5. *Tigh.* 1040. *Mar. Scot.* 1040. Slain "a duce suo," writes Marianus. Tighernach adds *immaturâ ætate*, contrary to all modern ideas of Duncan. Marianus was born in 1028, Tighernach was his senior; their authority, therefore, at this period as contemporaries, is very great. *Bothgowanan* means "the smith's bothy," and under this word may lurk some long forgotten tradition of the real circumstances of Duncan's murder. The vision of a weary fugitive, a deserted king, rises before the mind's eye, recalling "Beaton's mill" and the fate of James the Third. Two hundred years after his death a chaplain was appointed by his descendant, Alexander the Second, to celebrate masses in Elgin Cathedral for the benefit of Duncan's soul. No allusion is made in the Saga to any alliance between Thorfin and Macbeth, and whilst the former is described as collecting reinforcements from Ross, Sutherland, and Caithness, Duncan retires upon Moray as a friendly province in which he recruits his forces.

The reigns of this king and his predecessor have been adorned in the pages of Buchanan and Boece with numerous victories gained over the Northmen which were totally unknown to the earlier authorities Wynton and Fordun. Many difficulties beset the path of the early compiler of Scottish history. The dearth of materials; the English claims so thoroughly interwoven with the accounts which the rival chronicler was fain to accept for his principal authorities; the necessity under which he lay of distinguishing the "genuine Scots"—as he considered them—as well from the "Irishry" to the northward of "the Mounth," as from the English to the southward of the Tweed, all combined to render it a matter requiring no little trouble and ingenuity to compose an appropriate history of his country. Under these circumstances the numerous tumuli along the coast, each marking some spot where the men of the olden time repulsed or fell before the invaders, suggested the groundwork of a historical fabric which might at any rate escape much questioning; and of these memorials of bygone conflicts Boece has availed himself without scruple. Lords of the Isles and Thanes of Strathearn valiantly sustain the contest against Sueno or Camus, Olave or Onetus; and at a time when surnames were as yet unknown, a Keith or a Hay, a Graham or a Dunbar, revives the failing courage of his countrymen and points the way to victory. The fate of Loncarty must attend upon the triumphs of Malcolm and his grandson.

Considering the hereditary enmity between the Jarls of Orkney and the Mormaors of Moray, it seems more probable that the ill fortune of the young king tempted Macbeth to aspire to the crown, and to murder his rival in "the Smith's bothy," where he was resting after retreating from the field of his last defeat. In the Saga, Kali disappears after the battle and is heard of no more, from which it would appear that the Orkneymen and their allies had nothing to do with his death, of which they were probably ignorant.

The crumbling bones of the dead bear faithful witness to the reality of the battles, but the circumstances and the characters called into existence by the pen of Boece, must fade away from the page of history, and pass into the realm of fiction.*

The Line of Moray.

Macbeth . . . . . 1040–1058.
Lulach . . . . . 1058.

A. D. 1040. Very few kings of so remote a period have attained to the undying celebrity of Macbeth. As long as the English language endures, his name will be as widely known as that of the great Alfred, his character will retain the familiar features impressed on it by the magic genius of Shakspeare, and it will be as impossible to disentangle the historical personage from the weird being of romance, as to picture "the meek and hoary Duncan," a young and inexperienced prince, meeting his untimely fate in the flower of youth.

The quaint verses of the prior of Lochleven have embodied some of the tales and traditions handed down by the partizans of the rival families; and it will create little surprise to find that in a state of society in which "the rights of blood" were paramount, the stigma of illegitimacy was freely cast upon

* Chalmers, who has traced in his *Caledonia* the memorials of these contests with all the zeal of an enthusiastic antiquary, is angry with Pinkerton for asserting that "there is not a shadow of authority for the Danish wars of Malcolm the Second;" remarking that "popular tradition, with well vouched remains, are historical documents of sufficient authority for narrative facts." For the *facts*, undoubtedly, but not for the *narratives*, which have been subsequently appended. The remains, so industriously noted down by Chalmers, fully attest the frequent conflicts occurring along the Scottish coasts with the Northmen, but they do not prove the truth of minute descriptions of battles unknown before the time of Boece, who wrote in the early part of the sixteenth century.

both competitors for the crown. Wyntoun has recorded how Duncan, wearied with the chase, and separated from his usual attendants, found rest and shelter within the humble mill of Forteviot; how love bade the king return where chance had shown the way; and how Malcolm, whose blood has flowed in the veins of every English and Scottish king but Stephen, from the days of Henry Beauclerc, sprung from this intrigue with the "milnare's dowchtyr of Fortewyot." As the taint upon the blood of Malcolm was supposed to be inherited from his mother, so the stain upon the pedigree of Macbeth was attributed to the Mormaor's father; and in the same old verses it may be read how the mother of the Moray chieftain, wandering by chance in the woods, met with "ane fayr man, nevyr nane sa fayre as scho thowcht than," and how Macbeth was born "the Dewil's sone," and the inheritor of all his father's evil propensities. As the talisman of success was eventually upon the side of Malcolm, so the tales of the tyranny and crimes of his antagonist increased and multiplied, until they assumed the well-known form in the pages of Boece, which, copied into the chronicle of Holinshed, attracted the notice of the master-mind that has stamped the fiction with immortality.*

* *Wynton*, bk. 6, c. 16, 18. Much needless confusion is thrown over the period of Macbeth by raising unnecessary questions about his birth and his rights to the crown. All the best authorities—his contemporaries Tighernach and Marianus, and the Registry of the Priory of St. Andrews, which records his gift to the Culdees of Lochleven—unite in calling him the son of Finlay, the Register describing his wife as the daughter of Boedhe, whose claims she inherited. Another difficulty is raised because Macbeth appears as the immediate successor of Malcolm the Second in *Sim. Dun. de Gestis*, 1034, contrary to every other authority. That this is an error, of some transcriber apparently, is very evident, for the same Simeon, in his History of Durham, l. 3, c. 9, calls Duncan the king of Scots, adding that he was defeated before Durham in the fifth year of Harald's reign, *i.e.*, 1040, and soon

It may be gathered from the circumstances of his early life that Macbeth did not attain even to the position of Mormaor without a struggle. The two sons of Ruadhri—Roderic or Rory—the first known member of the Moray family, succeeded according to the Gaelic custom, Finlay filling the office of Tanist during the lifetime of his brother Malbride. He was slain, as has been already mentioned, by his nephews, who evidently intended to retain the right of succession within their immediate branch of the family; Gilcomgain, who must have been chosen Tanist on his brother's accession to the Mormaordom, following Malcolm to the exclusion of Finlay's son, Macbeth, whose right to the Tanistship was undoubted, and who must have thus found himself shut out from the seniority to which he was fully entitled to aspire as the representative of the junior branch of Rory's family. The union of Gilcomgain with a daughter of the MacAlpin family must have still further strengthened his position, and as Macbeth is subsequently entitled *Dux* by the contemporary Marianus, it may be conjectured that if he filled the office of *Toshach*—Duke or Constable of the kingdom—during the reign of Duncan, it may have been conferred upon him originally as the natural opponent of the rival line of Kenneth MacDuff, with which the kinsman who had supplanted him was closely connected. The last two years of Malcolm's reign, however, witnessed the deaths of Gilcomgain and of his wife's brother; and though the name of the Mormaor's enemy is not mentioned, it is hardly possible to doubt, that when he was surprised and

afterwards slain by his own subjects. The supposed relationship between Macbeth and Duncan may have been grounded upon the real connection between the king and Thorfin, with whom the Moray Mormaor seems to have been confounded in more ways than one.

burnt with fifty of his followers, it was the deed of Macbeth avenging the murder of his father, and re-asserting his claim upon the Mormaorship. The subsequent death of Boedhe's son transferred his claims upon the throne to his sister Gruoch, whose marriage with Macbeth reversed the position in which the Mormaor had hitherto stood, and placed him in the position of Gilcomgain. Henceforth his interest was closely bound up with the family to which he had hitherto been hostile, though, had Duncan been prosperous, his fidelity might have stood the test. It was the disastrous career of this unfortunate prince which first seems to have aroused the ambition of Macbeth; but even then his hostility was secret. It was not in open battle that Duncan lost his life, nor was the crown of Scotland the prize of the victor in a hard fought field, the final scene in "the Smith's bothy" being strongly suggestive of treachery.

The historical Macbeth appears to have been an able monarch, and religious after the fashion of the age, for his reign has been handed down in tradition as an era of fertility and prosperity—generally a sign of the ability of the ruler; and he is recorded with his queen amongst the earliest benefactors of the Culdee society of Lochleven.* With their joint grant to the little priory is associated the only historical mention of the true descent of the Lady Gruoch; and the venerable Culdee who briefly registered their donation, little thought that, in entering the simple notice, he was perpetuating the sole record of the real nature of the claims of his benefactors upon the throne they were accused of usurping. His liberality to the poor of Rome is also mentioned by a contem-

* *Reg. Prior. St. And.*, p. 114.

porary historian; but in such a manner as to leave it a matter of doubt whether the king was ever present in person at the Eternal City.*

For five years after the fall of Duncan his successful rival reigned in peace, when an attempt was made by the adherents of the late king to regain their
A. D. 1045. lost ascendancy. The children of Duncan were still in their infancy, and their cause was sustained by their grandfather, Crinan, the aged abbot of Dunkeld; but his defeat and death, "with nine times twenty warriors," extinguished for a time the hopes of the House of Atholl, and only served to secure the throne more firmly in the power of Macbeth.† Seven years elapsed and the fortunes of the House of Moray were still in the ascendant, when several of the Confessor's Norman favourites, who were driven
A. D. 1052. from England on the return of Earl Godwin, fled for refuge beyond the Tweed,‡ and the asylum granted to the fugitives at Macbeth's Court may have afforded a pretext for the hostility of Siward, who, two years later, invaded the dominions of the
A. D. 1054. Scottish king. The whole force of the Northumbrian provinces collected around the banner of the Danish earl, and attacked Macbeth on the day of
27th July. "the Seven Sleepers;" fifteen hundred of the Anglo-Danes fell in the contest, with the son and nephew of the earl, but Siward gained the day, slew three thousand of the enemy—the detested Normans

* *Mar. Scot.* 1050.

† *Tigh. An. Ult.* 1045. The flight of Duncan's children—mere infants—one to *Cumbria*, the other to *the Isles*, is a fiction founded on the ideas of the time when it first appears, three or four centuries later. They probably remained amongst their hereditary partizans in Atholl and the southern provinces, occupying the same position which their cousin Lulach had done during the reign of their father—the position of the Head of the Hy Nial, when Brian Boru achieved the sovereignty of Ireland; or of a Duke of Bavaria or Austria, in the olden time, when another magnate had been elected to the empire.

‡ *Flor. Wig.* 1052.

amongst the number—and carried off a booty unprecedented in the annals of Border warfare.*

The great success of the Anglo-Danish earl is generally supposed to have reinstated Malcolm on the throne, but no such inference can be drawn from the accounts of contemporary writers, by whom no allusion is made to the Scottish prince; the espousal of the suppliant's cause by the Confessor, and the directions given by the saintly king to Siward to re-establish the heir of Duncan in his ancestral kingdom, only appearing in the pages of the Anglo-Norman chroniclers for the purpose of indirectly furthering the subsequent feudal claims of the English kings. As the rout of the Scottish army before the walls of Durham, and their subsequent contest with Thorfin Sigurdson hastened the catastrophe of the first king of the House of Atholl, so the unsuccessful issue of his encounter with Earl Siward may have eventually proved fatal to the Mormaor; but Macbeth held his ground for four years, and the grave had long closed over the Danish earl, when the defeat and death of his former antagonist at Lumphanan, in Aberdeen- A. D. 1058.
shire, removed the first obstacle from the path of the

* *Tigh. An. Ult. Chron. Sax.* 1054. Neither the contemporary Irish annalist, nor the two MSS. of the Chronicle which describe the expedition of Siward, allude to any cause for it, or note any result beyond the immense booty obtained. They never mention the name of Malcolm or of the Confessor, and the *MS. Cot. Tib.*, B 1, expressly adds that Macbeth escaped from the battle. It remained for the writers of the Anglo-Norman era to confound the events of two separate years for their own purposes, and to represent Siward as the slayer of Macbeth and the restorer of Malcolm to the throne of Scotland, at the command of Edward the Confessor, though the Northumbrian earl died three years before the accession of the Scottish prince. The ever ready pen of the Prior of Belvoir, to a literal transcription of Florence, adds the words "de se tenendum," to complete the feudality of the transaction; the addition resting on grounds quite as good as the rest of the story, which almost seems to have been adapted upon the events which occurred forty years later, in the days of Malcolm Ceanmore's sons, Edward standing in the place of Rufus, Siward in that of the Atheling, and Macbeth playing the part of Donald Bane.

youthful Malcolm.* For three or four months the contest still continued to be maintained by Gilcomgain's son Lulach, the feeble successor of his able kinsman, until his death at Essie in Strathbogie, where he is said to have been betrayed, or to have lost his life through some stratagem of his enemies, put an end for the time to the struggle between the rival houses, and the heir of Duncan without further difficulty obtained possession of the vacant throne.†

* *Tigh. An. Ult.* 1058. *Innes*, Ap. 5. Wynton is the first to mention the popular story of Birnam Wood coming to Dunsinnan, but he places the death of Macbeth at Lumphanan, attributing it to "a knycht nowcht borne of wyf," who is transformed by Boece into Macduff. As Fife was "in the crown" in the days of Malcolm Ceanmore, who granted the earldom to his son Ethelred, the Macduff Earl of Fife of the fabulists—a being unknown to Wynton—must be set down as *a myth*. Since the days of the younger Angus, the founder of St. Andrews, the province appears to have been connected with the royal family—the abbacy of the leading monastery of the district having been held by Constantine the Second, just as the abbacy of Dunkeld belonged invariably to a member of the house of Atholl—and the first earl, who cannot be traced to the reigning family, was Dufagan or Duff, a witness of the Foundation Charter of Scone in the time of Alexander the First; his immediate successors being Constantine and Gillemichael Macduff. Fife appears to have been the latest earldom held by the old Scottish tenure, and its earls, like the earls of Atholl—a branch of the reigning family—never appear in the ranks of the king's enemies. Indeed they may be looked upon in early times as premier Earls of Scotland, with certain privileges attaching to their dignity, to account for which the legend of Macduff was probably framed; though it is not impossible that the earldom with its prominent position and privileges was granted to the *historical* Duff or Dufagan as a reward for his assistance in restoring *the sons* of Malcolm to the throne. Many examples could be given of the *transposition* of events from one period to another. A prominent one occurs in Norwegian history, the whole of the actions of *Olaf Tryggveson* in England having been transferred to *Olaf the Saint*.

† According to Tighernach, Lulach perished, *per dolum*, a vague word, which may imply either treachery or simply an ambuscade. The Latin chroniclers sometimes call him Lulach *fatuus*—the simple.

CHAPTER VI.

The Line of Atholl Restored.

Malcolm the Third (*Ceanmore*). 1058–1093.

Three centuries had now elapsed since the conquests of the Pictish Angus established the supremacy of his native province, and laid the foundation of the future kingdom of Scotland. During the earlier portion of this period no addition had been made to the territories of the reigning family, the lords of the southern capital of *Dunfothir* contenting themselves with the vague dignity of "Ardrigh of Alban," and with excluding from the privileges of "a royal race" the rival chieftains of *Dundurn*. The incursions of the Northmen, above all the conquests of Thorstein Olaveson, weakened the power of the southern kingdom, and by exhibiting the almost forgotten spectacle of a prince of Dundurn sharing the throne of Scotland with a scion of the royal race, resuscitated the hopes of the northern tribes; the deaths of three kings of the MacAlpin dynasty in the province of Moray testifying to the obstinacy with which the people of that district continued to resist the pretensions of the southern family to the right of *Can* and *Cuairt* throughout the north. But the rise of the Jarls of the Orkneys again turned the scale in favour of the south, and from the time when the second Kenneth favoured the claims of Thorfin's

family upon the mainland earldom of their maternal ancestor, Forres ceased to be fatal to his race, and he was at leisure to carry out his projects against the heir of Finella, and to make the first actual addition to the territories of the Scottish kings by bringing the eastern coasts into a more direct dependancy upon the crown. The "Bishopric of the Scots," co-extensive in jurisdiction with the royal power, henceforth reached to the Dee, and the fatality to the royal race was transferred to the eastern provinces; for the struggle was no longer in the north until the old rivalry again broke out on the rupture of the alliance with the Orkney Jarl.

The fatality attending the northern districts never seems to have extended to the junior branch of the reigning dynasty, whose alliances and expeditions were essentially connected with the south and west. It was over Strath Clyde that Constantine endeavoured to extend his influence; Northumbria was the province from which Indulf wrested Edinburgh; whilst Lothian, or the British frontiers, were fatal to Colin and his brother Eocha. Hence it may be gathered that they were the southern branch of the ruling family, the possessions of the kindred race of Constantine the First probably bringing the latter into more immediate contact with the northern division of the nation. Upon the extinction of the line of Aodh in the person of Constantine the Third, Malcolm the Second appears as the leader of the southern interest, and whilst the children of Kenneth MacDuff eventually became connected with the hereditary enemies of their race, Malcolm, in pursuance of the traditional policy of the south, allied himself with the House of Atholl, annexed Strath Clyde to the crown, and followed up the conquests of

Indulf, and the attempts of his own father, Kenneth, upon the neighbouring possessions of the Northumbrian Ealdormen. The preponderance of the south was greatly increased during his reign, and as the conquests of Angus and his successors centred the royal authority in one ruling family, so the great additions made to the territory of the crown during the reign of Kenneth and his son Malcolm fixed that authority in the House of Atholl. The northern policy of these kings was reversed by their descendant Duncan, the result costing him his crown and his life; but a period was now approaching when the lengthened reign of an abler prince was to redeem the incapacity or misfortunes of the first of his House, to extend the power of the crown still further over the hostile provinces of the north, and to bequeath to his descendants a more compact and powerful kingdom, which they were destined gradually to knit together in the iron bonds of feudalism.

The early years of the reign of Malcolm have escaped the notice of the chroniclers of his age, and there is nothing to be recorded beyond the death of A. D. 1064. Thorfin Sigurdson, when the dominions of the Jarl reverted to his two sons, whilst Ingebiorge, his widow, became the wife of the youthful king.* Ever since the days of Ethelred and Edwin, when the

* Chalmers (*Caledonia*, vol. i., p. 422) maintains that Ingebiorge could not have been the mother of Malcolm's eldest son Duncan, as her first husband, Thorfin, survived till 1074, and Duncan was knighted soon after 1072, when he must have been at least fifteen years of age. But Thorfin died "in the latter days of Harald Sigurdson," whom his sons accompanied as Jarls of the Orkneys to the battle of Stanford Bridge in 1066. Malcolm was married to Margaret in 1070, Duncan was not knighted before the death of the Conqueror, in 1087, when he must have been more than fifteen; and as five or six years elapsed between the death of Thorfin and the marriage of Malcolm to Margaret, I see no reason for doubting the account of the Orkneyinga Saga, though many for hesitating to affix the stigma of illegitimacy upon Duncan, whose donations to Dunfermlyn are confirmed by David without any allusion to such a bar to his right to the crown.

princes of Deira and the race of Ida contended for the dominion of Northumbria, the territories of the Picts and Scots had afforded a frequent asylum to all whom the chances of war or of political intrigue banished from the land of the Saxon; but in the troubled and distracted period then impending over England, the neighbouring kingdom beyond the Tweed was destined to receive a band of more than usually illustrious exiles. The first amongst the fugitives who sought the protection of the Scottish king was Tosti, Earl of Yorkshire and Northumberland. A friendship had long existed between the
A. D. 1061. king and the earl, who were united in the bonds of "sworn brotherhood," a tie which seems to have been no obstacle to the attacks of Malcolm upon the earldom of his sworn brother when the latter was absent upon a pilgrimage to Rome; though it may have softened the resentment of the earl, who passed over unnoticed this foray on the people of his earldom, whom he plundered and oppressed, on his own part, with scarcely less hostility, under a show of rightful authority. At length in the autumn of 1065 the whole of the north of England rose against their earl, put to death the ministers of his tyranny—descendants of the Anglo-Danes—and chose Morkar, the brother of Edwin, Earl of Mercia, in his place; whilst Tosti, escaping with difficulty from the first outbreak of their fury, took refuge with his wife at the Court of Flanders. Here he organized a plan for winning back his earldom, and sailing along the English coasts in the following March, he swept some booty from the Isle of Wight, but failing in an attempt to plunder Lindesey, where he was met and defeated by his rival Morkar, he was obliged to seek the protection of his old ally Malcolm. The Scottish

king, however, does not appear to have shared in the intrigues of Tosti, nor did he take any part in the memorable expedition of the Earl and Harald Hardrade against England, resulting, as is well known, in the defeat and death of both invaders in the battle of Stamford Bridge.* A. D. 1066.

Some years elapsed after his victory at Hastings before the power of the conqueror was thoroughly established throughout the northern provinces of England, and even then it is doubtful whether it ever extended, except in a qualified degree, over the modern county of Cumberland, or over Northumbria beyond the Tyne.† He was well aware of the secret disaffection existing amongst the magnates of his new people, bút it formed no part of his policy to drive them in a body into open rebellion, and they were retained in a species of honourable captivity at his court, or accompanied him in his expeditions into Normandy—nominally indeed as dignified retainers, but in reality as hostages for the peace of their respective districts—whilst year after year saw one or more of the nobles of English birth incarcerated or put to death on one pretext or another. The vengeance of William might be postponed, but it was never forgotten, nor did he ever pass over an opportunity of crushing the man whom his sagacious but unsparing policy had once marked as dangerous.

It was to avoid some such ebullition of William's wrath, that, in the summer of 1068, Edgar the Atheling, with his mother and two sisters, and many of the northern lords who had supported his claims after A. D. 1068.

* *Sim. Dun. de Gestis* 1061, 1065, 1066. *Chron. Sax.* 1065-66.

† In 1070 Malcolm held Cumberland by force (*Sim. Dun.*), and it was only in 1092 that Rufus drove Dolfin, apparently a son of Cospatric of Dunbar, out of the province, and rebuilt Carlisle. This part of England was not included in the Domesday Survey.

the death of Harold, deemed it expedient to cross the borders into Scotland. There appears to have been an abortive attempt at a rising in that year in which the fugitives may have been implicated, and, to curb the disaffection of the men of Morkar's earldom, William built two castles at York, garrisoning them with a strong detachment of Norman soldiery.

A. D. 1069. In the ensuing winter he dispatched Robert Comyn, the first of a name destined to become celebrated in the annals of the neighbouring kingdom, to preserve order amongst the turbulent Northumbrians beyond the Tyne; but the Norman baron was surprised and

28th Jan. slain at Durham, before he reached his earldom, out of seven hundred of his followers but one escaping with life. The perpetrators of this outrage then marched upon York, taking with them Edgar, who had joined them from Scotland, and were entering into a negotiation with the citizens of that place, when they were discomfited by the sudden arrival of William from the south, who gave up the city to be plundered, as a punishment for the disaffection of its inhabitants.*

Sept. The arrival of two hundred and forty ships in the Humber, under the command of Jarl Osbern, the Danish king's brother, summoned Edgar and his partizans in the following autumn to make one more effort to free their native land from the Norman yoke, even at the cost of delivering it to the Danes; and

* *Sim. Dun. de Gestis* 1068-9. *Hist. Dun.*, l. 3, c. 15. *Chron. Sax.* 1067-68. The dates of the Chronicle are wrong, as Easter fell on the 23d of March in 1068, and the historian of Durham is consequently correct. Indeed he is the first authority for the affairs of the north at this period. William three times entered York as a conqueror. A passage in Ordericus Vitalis is sometimes brought forward as a proof that Malcolm sent his submission to William through Aylwin, bishop of Durham, after the failure of the attempt of Edwin and Morkar in 1068. I have given the reasons why I cannot concur in this opinion in *Appendix Q.*

the united armies, marching upon York, stormed the two Norman castles, putting more than three thousand soldiers to the sword, when the Danes, satisfied with the amount of their success, returned at once to their ships, whilst Edgar and his adherents lost no time in again retiring beyond the Tyne. On receiving the intelligence of the destruction of his castles, and the lamentable slaughter of his men, William swore to exact a fearful vengeance, and with unflinching rigour he fulfilled his oath. He soon discovered the proper weapons for combating Jarl Osbern, who was ready to sacrifice the interest of his brother for his own personal emolument; and it was secretly arranged that the hostilities of the Danish admiral should be limited during the winter to pillaging the coast, and that in the following spring he should return to Denmark without offering any serious opposition to the movements of the Norman king. Secure against attack from Jarl Osbern, William marched to the north, giving over the whole country between the Humber and the Tyne throughout the ensuing winter to the unbridled license of his soldiery.*

With the approach of spring he returned to the south, to institute a searching and rigorous scrutiny into the coffers of the English monasteries; but scarcely were the inhabitants of the devastated provinces relieved from the presence of the Norman army, than they were destined to experience a repetition of their sufferings from a sudden invasion of the Scots. In the confusion of the period Malcolm had seized upon Cumberland, retaining it hitherto by open force, and its possession enabling him to penetrate into England without crossing the territories of his Northumbrian allies, he poured his followers down

A. D. 1070.

* *Sim. Dun. de Gestis* 1069. *Chron. Sax.* 1069.

the Vale of Teesdale into the North Riding of Yorkshire. At a spot known as "the Hundred Springs," long since covered by the luxuriant woods of Castle Howard, he reached the limits of his incursion, and dispatching homewards a portion of the army laden with the plunder of the expedition, he sought to entice the population of the districts which had hitherto been spared, from the caves and forests to which they had hurriedly fled on the first tidings of his inroad. The stratagem of the Scottish leader was only too successful, and the miserable inhabitants of Cleveland, Hartness, and the eastern coasts of Durham, were soon startled from their fancied security by the unexpected approach of the very army which they had vainly imagined to have quitted the country, and to have been already far advanced on its homeward march towards the north.*

By this time, however, the confederates, in whose behalf Malcolm had taken up arms, had ceased to be formidable to the English king. The Danish fleet, after plundering Peterborough, quitted the English coasts in June; and Osbern, meeting with his just reward, was banished from the court of his indignant brother Sweyne. Not a few of the insurgents had already made their peace with William—a similar transaction to that which had corrupted Osbern, purchasing for Cospatric the Earldom of Northumberland, on which he had claims through the descent of his mother from Earl Uchtred. The rest of the Northumbrian leaders were preparing to leave a country in which they could now no longer hope to dwell in safety; and Malcolm, upon his arrival at Wearmouth, found a vessel in the harbour with the Atheling on board, who, with his mother and his

* *Sim. Dun. de Gestis* 1070.

sisters, Siward Beorn, Merlesweyne, and others of his most faithful adherents, was only awaiting a favourable wind to quit for ever his native land. The Scottish king hastened to assure the illustrious exiles of a welcome reception at his own court, and his offer of an asylum was readily accepted, though the courtesy of Malcolm towards the representatives of Anglo-Saxon royalty tended very little to alleviate the sufferings of their subjects. The work of destruction proceeded as before, and the king was contemplating the burning ruins of St. Peter's Church, fired by his own retainers, when intelligence arrived that Earl Cospatric was signalizing his newly-born fidelity to the English king at the expense of the Scottish possessions in Cumberland. The fury of Malcolm knew no bounds; but a few months had elapsed since Scotland had sheltered Cospatric from William's vengeance; and her king, during his recent inroad, had purposely abstained from any outrage upon the territory of Northumberland. Hitherto plunder had been the object of the Scottish army, but henceforth their aim was revenge; and though the walls of Bamborough sheltered Cospatric with the spoils of wasted Cumberland, his earldom was open to fire and sword, and dearly did its devoted inhabitants rue the untoward zeal with which their earl had repaid his recent appointment. No mercy was shown to either age, sex, or infancy; all who escaped the massacre were driven in crowds along the homeward path of the invaders; and though multitudes of the captives perished miserably by the way, enough survived to satisfy the cupidity of their captors, and to supply every hovel beyond the Borders with slaves of English race.*

* *Sim. Dun., as before.*

An incalculable amount of misery and loss of human life resulted from these northern wars; for not a village was left standing between York and Durham, nor for nine years was any attempt made at cultivation over a space of sixty miles and upwards. *Waste* is the term ominously affixed in Domesday to all the possessions of Edwin, Morkar, and the northern prelates, as well as to the lands of Waltheof and Cospatric, of Siward Beorn, and Merlesweyne; and a province, once flourishing and prosperous, became the haunt of beasts of prey, wild cattle, and outlaws. To add still more to the wretchedness of the period, a partial dearth, which had arisen from the ravages of William, was increased by the events of the two succeeding years, until it became a famine of the most intense description. Many sold themselves to slavery to escape starvation; others were reduced to support life by the most revolting substitutes for their accustomed food, such as carrion and human flesh; houses and streets were filled with the unburied bodies of the dead, none stopping to perform the last offices of interment; and the roadsides were covered with dying wretches, perishing in a vain attempt to seek a refuge in exile. Multitudes of every class abandoned their native land during this frightful period of misery and despair; Scotland became their asylum and adopted home, and in the veins of many of the bravest and noblest of her sons, there flowed, in after times, the best and purest blood of ancient Northumbria.*

An additional stimulus must have been afforded to this emigration by the union of Malcolm, after his

* Marianus alludes to this famine. Compare the account of Simeon with Domesday in Ellis's Introduction. At the date of the Survey, Lincolnshire contained 11,504 Socmen and 11,747 Villani and Bordarii, whilst in Yorkshire only 447 Socmen are recorded, with 6914 of the other classes. York-

return from the south, with Margaret, one of the sisters of the Atheling. History has left no record of the fate of Ingebiorge, and possibly she was no longer living, though her death is by no means necessarily to be implied from the second marriage of Malcolm, as a laxity in the dissolution of the marriage tie was not confined to the Gaelic people alone at that period.* Margaret is said to have been at first averse to the marriage, not for any personal dislike to her future husband, but because the misfortunes of her country and of her family had sunk deeply into her heart, inclining her to seek a refuge in the cloister, to which her sister Christina subsequently retired. But the advantages of the connection with the Scottish king were too obvious to be overlooked; her scruples were at length overcome by her brother and his followers, and her gentle disposition and sincere piety were destined to exercise a mild and beneficent influence over the characters of her husband and her youthful family.†

The English king was occupied during the following year in repressing the rebellion of Edwin and Morkar, and in crushing the attempt made by the latter earl to maintain a stand in conjunction with Hereward, Siward Beorn, and Aylwyn bishop of Durham, amid the fens and marshes surrounding A. D. 1071.

shire was the head-quarters of the Anglo-Danes of Northumbria, and as the Socmen represented the old Danish *Odal-Bonders*, there is no difficulty in recognising the real class that bore the brunt of the northern wars, and contributed most largely to the *emigrants* and *outlaws*.

* In the beginning of the century Uchtred, the son of Waltheof, seems to have married and put away his wives without the slightest scruple, nor could bishop Ealdun procure a permanent husband for his daughter Egfreda even by alienating the lands of his see in her favour. Twice was she divorced in spite of her dowry, and neither the bishop nor the chronicler who records these proceedings appear to have regarded them as extraordinary. *Sim. Dun. Twysden*, p. 79.

† *Sim. Dun. de Gestis* 1070. *Vit. St. Marg.* Edgar and his family appear to have left Scotland in 1069, and to have returned thither in the following year.

Ely; but the invasion of Malcolm was neither forgotten nor forgiven, and towards the close of the next summer William marched to the north with a formidable array of mounted chivalry, supported by a numerous fleet, in the full determination of exacting vengeance, both for the open hostility of the Scottish king, and for the support invariably afforded in the same quarter to his disaffected subjects beyond the Humber. If he had expected to find any of the insurgents in Scotland, he was doomed, on this occasion, to disappointment, as they had undoubtedly escaped elsewhere on the first rumours of the magnitude of the expedition.* Edgar was apparently in Flanders,† a country which, ever since the accession of Robert the Frison, had become the asylum of all who fled from the wrath of the Conqueror; as the connection of the count, by marriage, with the Danish and French kings, both at enmity with the king of England, as well as the assistance rendered by William to the nephew of Robert in his attempts upon the appanage of his uncle, caused a ready welcome to be accorded in Flanders to all who were disposed to assist the count in his attacks upon the duchy of Normandy.

A. D. 1072. August.

When William had penetrated as far as Abernethy in the county of Fife‡ he was met by the army of his adversary; but as neither king was really anxious to proceed to extremities, before long

* Such appears to be the meaning of the expression of the Chronicler, "he found nothing there for which he was the better," *Chron. Sax.* 1072. Compare *Wendover ad. an.* 1072.

† Edgar, according to the Chron. Sax., returned to Scotland from Flanders in 1074, and he probably sought refuge in the latter country at the approach of William.

‡ Lord Hailes, vol. 1, p. 17, thinks it improbable that Abernethy on the Tay can be the place intended, from its lying out of William's probable route. He appears, however, to have forgotten that all the early invaders of Scotland who combined a fleet with their land force—and none else were successful—must have held their course *along the coast*, or their fleet would have

they mutually agreed to the following arrangement. Malcolm received a grant of certain manors in England, with the promise of a yearly payment of twelve marks of gold, performing the usual homage in return for the grant of English fiefs, and giving up Duncan, his son by his former marriage, as a hostage for the fulfilment of his obligations.* The Conqueror then retraced his steps to the south. His predominance in the north at length established, Cospatric could be safely taxed, both with his alleged connivance in the death of Robert Comyn, and with his actual presence at the storm of the castles of York. Neither of these charges had interfered with his advancement to the earldom of Northumberland when it had been the aim of William to detach a formidable opponent from the ranks of his enemies; nor did his innocence of the first crime avail him now, and his fief was given to Waltheof, whose feats at York upon the same occasion, where he long defended the gate with his single arm, cutting down the Normans one after another as they entered, were for the present either pardoned or overlooked. Cospatric escaped by a timely flight, and after a brief

been useless. Abernethy, according to Ailred, was *in Scotia* (*Twysden*, p. 340), or beyond the Forth, and it was exactly because William had succeeded in penetrating into the heart of the real kingdom of Scotland that Malcolm came to terms.

* *Chron. Sax.* 1072. *Sim. Dun. de Gestis* 1072-1087. *An. Ult.* 1072. It may be gathered from *Sim. Dun. de Gestis* 1091, that Malcolm held twelve manors of William and received a yearly payment of twelve marks of gold, and as the kings only met once, these grants must have been made on this occasion. The homage of Malcolm would appear to have been *simple* not *liege*, for he never seems to have been called upon to perform any feudal service; whilst his subsequent repudiation of the demands of Rufus shows that the homage was not rendered for the kingdom of Scotland, but was simply the feudal recognition of his subsidy. In short, the meeting appears to have resulted in a compromise, William endeavouring to secure the peace of his northern borders by what in the present age would take the form of a pension or subsidy, then conferred as a feudal grant, for which Malcolm performed homage, giving up his son as a hostage for his faithful observance of the treaty. *Vide Appendix L*, part 2.

residence in Flanders, rejoined his countrymen in Scotland, where he received from Malcolm, who seems to have forgotten his former resentment against the Earl, the important fortress of Dunbar with an ample portion of the surrounding territory, and he became the ancestor of the noble family of Dunbar, long prominent amongst the barons of southern Scotland as Earls of Lothian or the March.*

A. D. 1073. Not long after the treaty of Abernethy, Edgar returned from the continent to Scotland, where, though he was received with every mark of honour and respect by his sister and her husband, Malcolm earnestly pressed upon him the advantage of accepting the castle of Montreuil, offered by the king of France for the purpose of establishing a troublesome neighbour in the vicinity of the Norman possessions of their mutual foe. Edgar accordingly once more left Scotland laden with the costly presents of his relatives, but like most men of his character the Atheling was doomed to misfortune, and ere long Scotland again received him, a shipwrecked and homeless wanderer. It was no part of the policy of Malcolm to risk the vengeance of the Conqueror in fruitless attempts at assisting his feeble brother-in-law, and he now strongly advised him to tender his submission to the English king. It was accepted most willingly; and with much empty ceremony and parade, Edgar was conducted to the English frontier, and from thence to Normandy, where he resigned his pretensions to the English crown, and passed the remainder of his life, for the most part, in indolent and peaceful insignificance.†

* *Sim. Dun. de Gèstis* 1072. *Malm. Gesta. Regum*, l. 3, sec. 253.

† *Sim. Dun. de Gestis* 1073. *Chron. Sax.* 1074. *Malm. Gest. Reg.*, l. 3, sec. 251.

Every cause for hostility between the English and Scottish kings was removed for a time by the relinquishment of Edgar's claims upon the English crown, and Malcolm was at liberty to turn his attention to internal policy, and to establish his authority, and secure it more firmly, over the northern provinces of his dominions. The deaths of Macbeth, and of his successor Lulach, had crushed without extinguishing the hopes of the rival family; but though their pretensions were again revived by Lulach's son Malsnechtan, fortune continued adverse to the men of Moray, and a sanguinary and decisive victory, in which Malcolm is said to have "won the mother of Malsnechtan, all his best men, his treasures and his cattle," confirmed the superiority of the king. This solitary passage in the Saxon chronicle is the only indication of the occurrence of any contest in the north of Scotland during the course of Malcolm's reign; though probably the battle thus recorded by the chronicler of a different people, who adds that, "God's justice was done upon Malsnechtan, for he was all forsworn," effectually established the royal authority over the dominions of the hostile Mormaors. Malsnechtan, indeed, survived his overthrow to "die in peace," a few years afterwards, when the title of "king of Moray," conferred upon him by the Irish annalist, implies (if correct) a partial independence; but as there can be no doubt about the foundation of Mortlach before the date of his death, the surrounding territory must have been by this time annexed to the crown, and the influence of the Moray family must henceforth have been confined to the westward of the Spey.*

A. D. 1077.

A. D. 1085.

* *Chron. Sax.* 1077. *An. Ult.* 1085. Mr. Skene (*Highlanders*, vol. i., p. 123) supposes, on the strength of a very ambiguous entry in the Ulster Annals, that a certain Donald MacMalcolm, a son or descendant of Mal-

A. D. 1079. Two years after his successes in the north Malcolm again crossed his southern frontiers with a hostile army; and, as at the time of this inroad William was contending in Normandy against his eldest son, it is doubtful whether the incursion was intended to effect a diversion in favour of Robert, always a warm friend of the Scottish monarch, or whether it was simply dictated, in the absence of the English king, by a wish to sweep the country to the Tyne. William was very shortly reconciled with his son, whom he dispatched with an army in the following autumn
A. D. 1080. to make reprisals for the invasion of the Scots; but either from a want of ability, or from a secret feeling in favour of Malcolm, Robert retreated without effecting anything beyond a fruitless march to Falkirk; on his return southwards laying the foundations of a new castle on the Tyne—the first link in the chain of border fortresses destined to defend the English frontier from the ever ready attacks of the Scots—around which the future capital of Northumberland eventually grew into existence.*

A. D. 1087. The two kings were never destined to meet again. The stern soul of the Conqueror was touched upon his deathbed with some feelings of remorse for

colm MacMalbride, the Mormaor of Moray who died in 1029, reigned over the north of Scotland from the death of Thorfin in 1064 to his own death in 1085. It is impossible, however, that this Donald could have been the representative of Malcolm of Moray, or he must have been Mormaor of that province in place of Macbeth, Lulach, and Malsnechtan, of whom the latter died in the same year as Donald, in the peaceful possession of Moray. Neither would Donald have had any claim upon the crown, as he was not the heir of Gruoch, and it is impossible that he could have reigned over the north of Scotland for upwards of twenty years, whilst his kinsman Malsnechtan, *the real heir*, was content with the province of Moray. If the entry is correct it is just as possible that the words "Donald, son of Malcolm king of Scotland" may apply to a son of Malcolm the Third; but the word *Righ* in the Irish Annals is very ambiguous, and ought to be translated *prince* rather than *king*, a title which answers more to the *Ardrigh*.

* *Sim. Dun. de Gestis* 1079-80. *Chron. Sax.* 1079. *Fordun*, l. 5, c. 21. *Vide Appendix Q.*

the numerous captives whom he had so long retained in hopeless confinement, and he left directions to his sons to release, after his death, all prisoners of state, and others whom motives of policy had hitherto kept under restraint. Amongst the hostages set at liberty were Malcolm's son Duncan, and Ulf the son of Harold, whose good fortune made Robert the arbiter of their fate; and the Duke of Normandy, with an honourable regard for the wishes of the dead, not only carried out the intentions of his deceased father, but conferred upon them both the dignity of knighthood, dismissing them with presents and marks of honour from his court; whilst the other prisoners, less fortunate, were retained in close custody by Rufus.*

Four years after the death of the Conqueror, A. D. 1091. when the contest between his sons was brought to a temporary conclusion upon the pacification between William and Robert, Edgar the Atheling was expelled from the lands assigned to him in Normandy by the late king, and was once more driven to seek a refuge in Scotland. Malcolm again espoused his cause, and partly, perhaps, in the hope of enforcing by a hostile demonstration the restoration of the Conqueror's grant of manors, which appears to have been withheld by his successor, he marched a numerous army across the frontier in early spring, advancing as far as Chester le Street on his route to Durham; but upon learning that the whole country was in arms to oppose his progress, he lost no time, as his purpose was anticipated, in returning at once to Scotland.†

Intelligence of this fruitless inroad reaching William in Normandy, determined his return to England,

* *Sim. Dun. de Gestis* 1087. † *Sim. Dun. de Gestis* 1091. *Chron. Sax.* 1091.

and crossing the Channel with his brother Robert, he dispatched a powerful fleet along the coast, and prepared to follow in his father's footsteps, and to march with his Norman chivalry to the north. But the English king had miscalculated the difficulties he would have to encounter, and though the summer was already far advanced before he returned to England, unlike his politic predecessor, who was always capable of postponing his vengeance to the proper season, he pushed forward his preparations for an immediate attack upon his enemy. Michaelmas passed away before he commenced his march, and when he reached the north, towards the close of autumn, his fleet was dispersed by a violent storm, and many of his horses had perished from cold and hunger in traversing the wastes yet stamped with the traces of his father's vengeance. Instead of declining a contest as before, Malcolm, who was aware of his adversary's situation, advanced into Lothian to meet the invaders; but a collision was prevented by the intervention of Robert, who, sending for the Atheling from the Scottish camp, arranged, with his assistance, a renewal of the treaty of Abernethy. Edgar was reconciled to William on the same occasion, accompanying him to England on his return to the south; but before Christmas both Robert and the Atheling retired in disgust from the English court, as the promises of the king remained in every case unfulfilled.*

* *Sim. Dun. de Gestis, Chron. Sax*, and *Flor. Wig., ad an.* 1091. Orderic also gives an account of this expedition—as usual a gossipping mixture of truth and absurdity. Malmsbury (l. 4, sec. 311) says that "William performed nothing worthy of his greatness, whilst he lost many of his men and baggage-horses." Wendover, from his frequent literal transcriptions of Malmsbury, must have had this passage before him when he wrote "venientes igitur rex et frater ejus Robertus in Angliam, acies duxerunt in Scotiam, unde Malcolmus *nimio terrore percussus* homagium regi fecit Anglorum, et fidelitatem juravit,"

Another bulwark against the inroads of the Scots was erected in the following year, when William, marching into Cumberland, or *Northumbria* as it is called by the northern chroniclers, drove out Dolfin, who then possessed the land, and rebuilt and fortified Carlisle, which had lain in ruins since the days of Halfdan, peopling the neighbourhood with a body of peasantry collected from other parts of the country.* In spite of the non-fulfilment of William's promises, Malcolm had as yet proceeded to no open act of hostility, and many of the leading men in England were anxious to carry out the intentions of Robert, and to secure a firm and lasting peace on terms honourable to both kings, and beneficial to their respective subjects. The illness of William in the year after his expedition into Cumberland, appeared a favourable opportunity for effecting an arrangement, as the fear of approaching death had softened the harshness of his character, and inclined him to listen to the entreaties of his advisers, who urgently implored him to repair his previous injustice; and accordingly, when Malcolm sent to demand the completion of their treaty, William named Gloucester as the place of meeting, delivered hostages for the A. D. 1092.

(vol. ii., p. 37). In a similar manner "that most authentic and valuable volume, the Book of Abingdon," (?) expands the short sentence in which Simeon describes the abortive invasion of Scotland by Robert in 1080—"Cum pervenisset ad Egglesbreth nullo confecto negotio reversus, etc."—into the following inflated narrative:—"Verum rex illi Lodoniis occurrens cum suis, pacisci potius quam præliari delegit. Perinde ut *regno Angliæ principatus Scotiæ* subactus foret, obsides tribuit. Quo pacto inito Regis filius cum exercitu ad patrem hilaris repedavit" (*Vide Appendix Q*). When the comparative failures of Robert and William in 1080 and 1091 are thus misrepresented—failures which were notorious, and admitted to be so by the contemporary English chroniclers—what degree of confidence can be attached to the inflated descriptions of the successes of the earlier English kings, which are to be found in the same authorities? We can only judge by *results*.

* *Sim. Dun. de Gestis* and *Chron. Sax.* 1092.

safety of the Scottish king during his absence from his own country, and deputed Edgar Atheling to conduct his relative with all befitting honour to the English court.*

A. D. 1093. 11th Aug. In his progress towards the south Malcolm assisted at the foundation of a new church at Durham, and his presence at the ceremony marks the connection which appears to have grown up since the annexation of Lothian—and still more since the marriage of Margaret—between the inhabitants of the northern counties and their Scottish neighbours, before the frontier line of fortresses springing up along the borders effectually severed the last links connecting the divisions of the ancient Bernician

24th Aug. kingdom. Towards the close of August he arrived at Gloucester, but William was no longer on a bed of sickness, and his transient penitence, with the apparent amelioration in his character, having passed away on the return of health, Malcolm found the English king more haughty and exacting than ever. Admission to the royal presence was contemptuously denied him, and he was commanded to "do right" in the English court, and according to the judgment of the English barons alone. To have yielded to this demand would have at once placed the king of Scotland on a footing with the English barons as "his Peers," and would have been tantamount to an admission of his absolute and unconditional dependence upon the English crown. Exasperated at the affront, Malcolm indignantly refused compliance, promptly asserting "that the kings of Scotland were wont to do right to the kings of England upon the frontiers of the two kingdoms, and according to the united judgment of the Peers of both realms;" and having

* *Sim. Dun. de Gestis* and *Chron. Sax. ad an.* 1093.

thus maintained his entire independence of the English king, he departed in open hostility from his court.*

Hastily collecting an army on his return to his own country, Malcolm again crossed the frontier before the close of autumn, and in spite of the warnings of his anxious queen, headed his followers in person to revenge upon the soil of England the insult of her haughty sovereign. The forebodings of Margaret were destined to be too fatally fulfilled, Malcolm perishing on the 13th of November on the banks of November.

* Malcolm was evidently taken by surprise. "He sent and demanded the fulfilment of the treaty that was promised him. And the king, William, cited him to Gloucester, and sent him hostages to Scotland, and Edgar Atheling afterwards and the men returned that brought him with dignity to the king. But when he came to the king he could not be considered worthy either of our king's speech or of the conditions that were formerly promised him." Such are the words of the Saxon Chronicler, yet Malmesbury says (sec. 311), "Malcolm came of his own accord to Gloucester, an earnest suitor for peace on equitable conditions, but he obtained nothing, though he was permitted to return in safety, as the king disdained to capture by fraud one whom he had subdued by valour." The safe conduct and the hostages detract something from this much vaunted magnanimity, but Malmesbury would sacrifice a good deal for the sake of a well turned period. The assertion which Simeon and Florence have placed in the mouth of Malcolm conveys a valuable piece of historical information, though it does not follow that the king spoke *feudal Latin* because they have written it. The presence and intervention of the leading nobles of both kingdoms at meetings on the frontier implies the independence of both kings; for if the king of Scotland had been the vassal of England *for his kingdom*, he and *all his followers* would have been liable to have been cited to the court of their suzerain at the will of the latter, as actually happened in the reign of William the Lion. In the convention between Rufus and Robert, twelve barons on each side confirmed the agreement in token of the independence of both parties (*Flor. Wig.* 1091). In the treaty between Richard and William the Lion four barons appear in the same way on either side (*Fœd.* vol. i., pt. 1, p. 50); and both Scottish and English nobles invariably affix their names to the conventions between their kings, recorded so often in the Fœdera. In attempting to force Malcolm to submit to the judgment of the English barons when he had come to Gloucester on an errand of a totally different description, William appears to have been actuated principally by overweening arrogance, though he may also have endeavoured to found a precedent injurious to Scotland; and it is singular to mark how nearly all the English authorities accuse Malcolm of "a breach of faith" because he resented the conduct of William, whilst they pass over without notice the glaring "breach of faith" on the part of their own king.

the river Alne; and although the manner of his death is involved in some obscurity, there is little doubt that it was effected by treachery. His ostensible opponent was Robert de Mowbray, at that time Earl of Northumberland, but the death-blow was dealt by Morel of Bamborough, to whom he had once been bound by the ties of the closest and most familiar friendship.* Edward, the eldest of the sons of Margaret, and acknowledged as his father's heir, fell mortally wounded on the same fatal occasion, dying a few days afterwards at a place in Jedwood forest long known as "Edward's Isle;" whilst the Scottish host, dismayed at their double loss, returned in confusion to their own country, many perishing by the sword in their disorderly flight, but more losing their lives in attempting to cross the rivers swollen into torrents at that late season of the year. The body of the king, abandoned by his followers, was found upon the field of battle by two peasants, who cast it carelessly on a cart and brought it into Tynemouth, where the royal corpse was consigned to an obscure tomb—a judgment, in the eyes of the historian of Durham, for the injuries inflicted by the living king on that very place—until about twenty years afterwards, when it was removed by the filial piety of the first Alexander to his native land, and the ashes of the warlike Malcolm at length reposed in peace by the side of his sainted queen in Dunfermline.†

* Morel was king Malcolm's "Godsib," or, in other words, they had stood Godfathers together. This bond of spiritual relationship appears to have been thought a very sacred tie in those days, and to be unfaithful to the *Godsib* was considered a heinous sin, at any rate amongst the Gael; for the four Masters describe the state of the country as peculiarly wretched when "there was no protection for Church or Fortress, *Gossipred* or mutual oath" *An. F. M.* 1050, *O'Donovan.*

† *Sim. Dun. de Gestis* and *Chron. Sax.* 1093. *Fordun*, l. 5, c. 25. *Malm. Gesta Regum*, l. 4, sec. 311. Both

Thus died Malcolm Ceanmore in the six-and-thirtieth year of a long and prosperous reign. An able king, and a bold and fearless warrior, the traits that have been preserved of his private character evince the kindliness of disposition, and the frank generosity, which not unfrequently adorn so gracefully the character of a brave man. Though as ignorant of letters as most of his contemporaries, he loved to choose the books which were the favourite study of his queen, and to cause them to be emblazoned with gold and jewels as a testimony of his affection and esteem; and when in the exercise of the lavish almsgiving for which the royal Margaret was renowned, she would unhesitatingly resort to the personal property of the king, after exhausting her own resources, Malcolm, on discovering his loss, would merely tax her laughingly with the theft.* According to an anecdote related by his son David, he once received an intimation that a nobleman, whose arrival at court was daily expected, had agreed with his enemies to

Malmesbury and the Saxon Chronicler imply that Malcolm lost his life by treachery, and the account of Orderic, as usual a strange mixture of truth and error, goes far to prove the existence of a tradition to this effect. He is next said to have been slain at the siege of Alnwick Castle, though it is more than doubtful if a castle then existed on the banks of the Alne. From *Alnwick Castle* the step was easy to the family so long connected with that border fortress, and the Scottish king was at length said to have been slain by a knight, who, issuing from the castle gate with the keys on the point of his lance in token of surrender, suddenly *pierced the eye* of Malcolm, acquiring from this feat the name of *Pierce eye* or Percy! About two centuries after the fall of Malcolm an improbable story was circulated at Tynemouth, that the body of a peasant had been palmed off upon Alexander for that of his father, *Mat. Paris Addit*, p. 129. The writer adds that Malcolm was conquered "by order of Henry the First," and winds up his account of the deceit with these quaint words "ita delusa est *Scottorum improbitas.*" The keen relish with which he enjoys the idea of overreaching "*the Scotch rogues*" is amusing. Pleasures of rare occurrence are sometimes supposed to be the sweetest.

* Life of Margaret, ascribed to Turgot, and contained in the "*Acta Sanctorum*, June 10." Malcolm was obliged to put up with his losses, but to every one else she restored twofold what she borrowed for charity.

attempt his assassination. Strict secrecy was enjoined upon the informant, and on the appearance of the visitor a royal hunt was proclaimed; the king contriving, in assigning his position to each sportsman, to separate himself from all the party with the exception of the suspected noble, whom he then taxed with his intended crime, bidding him on the spot, where there was none to see or to interfere, enact the part of a brave foe rather than of a base and cowardly assassin. Overwhelmed with shame and remorse, the nobleman threw himself at the feet of his intended victim, entreating forgiveness for his treachery; and the pardon was as freely bestowed by the generous king as the combat on equal terms had been frankly proffered.*

The history of Malcolm's career would be incomplete without an allusion to one who exercised so great an influence over his court and people as Queen Margaret. Firmly convinced of the infallibility of his queen, whom he appears to have regarded as the incarnation of all that was pure and holy upon earth, the king submitted to her guidance implicitly in all matters connected with religion; and Margaret, conscious of her own learning and eloquence, and perhaps not unwilling to display her undoubted talents, frequently summoned the clergy to meet in council, and laid before them her opinions on the state of the Scottish church; Malcolm on such occasions acting as interpreter, and supporting her views

* *Twysden*, p. 367. Ailred heard this anecdote from Malcolm's son David. It has been transferred by some later writers to the Saxon Edgar, the Scottish Kenneth playing the part of the guilty nobleman. The hunt was conducted "secundum legem venandi quam vulgus *tristam* vocat." An open plain, encircled by a belt of wood, was the scene of the sport; a flowery hillock in the centre the place of rendezvous for the sportsmen; whom Malcolm placed in different commanding positions, ready to let slip their dogs upon the game as it was driven by the beaters from covert.

on ecclesiastical subjects with all the weight of his own temporal authority.* Her piety was fervent and sincere, though imbued with much of the formalism of the age. Every morning a certain number of poor were ranged in front of the palace, and it was the first daily duty of the king and queen to wash their feet, and to supply them with food and clothing. Every night Margaret arose for midnight prayer, and the severity of the discipline to which she chose to subject herself, laid the foundation of a painful and lingering disease which eventually shortened her life. But her influence was not confined to matters of religion alone, and it was through Margaret that pomp and ceremonial were first introduced at the Scottish court, the king no longer riding out without a royal escort, nor regaling his nobility in the rude fashion

* The principal point which Margaret succeeded in carrying out was connected with Lent, which the Gaelic Church kept from Quadrigesima Sunday instead of from Ash Wednesday. The Gaelic practice was long the universal custom, and it is still doubtful who added the four days. Pope Gregory the Great speaks of *the thirty-six days* of abstinence, though some maintain that he was the first to begin Lent from Ash Wednesday, whilst others refer the change to the time of Gregory the Second (*Bingham*, bk. 21, c. 1), in which they are probably correct, as the custom would otherwise have penetrated into the Gaelic Church when it conformed to the Roman practice in the days of Nectan and Ceolfrith. The other practices which Margaret endeavoured to reform were—1. A reluctance to communicate on Easter Sunday. 2. Labour on Sundays. 3. Marriage with the widow of a father or brother. 4. The celebration of the service with *barbarous rites*, or, in other words, in a manner to which she was unaccustomed. In the latter point she seems to have been unsuccessful, for the Culdees still continued to celebrate their office *more suo* in the days of Alexander and David (*Vide* Margaret's Life by Turgot, c. 2). It is worthy of remark that Margaret seems to have made no attempt to separate the Culdees from their wives; and as numbers of the Anglo-Saxon clergy were married men at that time, particularly in the provinces beyond the Humber, where the customs of the Northmen were little interfered with, it is probable that she did not consider their manner of life contrary to ecclesiastical discipline. The system of Hildebrand did not penetrate into England until after the Norman Conquest. In one of his Charters (*Ancient Laws, etc., of England*, vol. i., p. 495) William says, "Sciatis . . . . quod episcopales leges, quæ non bene nec secundum sanctorum canonum precepta usque ad mea tempora in regno Anglorum fuerunt . . . . emendandas judicavi."

of his ancestors, but astonishing them with a display of gold and silver plate.* A corresponding degree of magnificence was encouraged amongst the courtiers, foreign traders were invited to bring their rich and varied wares to Scottish ports, whilst it was signified that all who wished to earn the royal favour must become purchasers of the costly novelties.† In short, to the influence of Margaret may be attributed the foundation of that change, which gradually converted the king of Scotland from a rude and simple chieftain, surrounded by congenial and semi-barbarous followers, into a feudal monarch in the midst of a knightly and chivalrous court. The impress of her character is very visible in the dispositions and qualities of her children; and if from her they inherited the love of ostentation and display, which seems to have been the foible of their amiable mother, it must not be forgotten that from her also they derived the purity of life for which they were all alike distinguished, and which was so eminent a feature in the character of a queen, in whose presence not even a word that could give offence was ever known to have been uttered.

The disastrous intelligence of the battle reached Margaret after her health had been long impaired, less by age, for she was scarcely past the prime of life, than by a painful disorder brought on by the austerities of the fasts, and penances, dictated by her fervent though mistaken piety. The departure of the king with her elder sons, upon their last unfortunate expedition, had already oppressed her mind

* "At least," says the honest historian, "the dishes and vessels were gilt or silvered over."—*Hailes*, vol. 1, p. 44.

† The *diversis coloribus vestes* are sometimes supposed to have been *tartan*. The earliest dresses of the Gael were stained of a saffron colour, which was also used at one period amongst the Rajpoots.

with a gloomy foreshadowing of the future; and when, on the third day after the catastrophe, her son Edgar stood by her couch, in his expressive silence she divined her loss, and bowed in submission to the blow. But the shock was too great for her enfeebled frame, and sinking at once under the intelligence, upon the same day on which the fatal tidings arrived, she calmly and peacefully breathed her last, and death released her from her sorrows.*

Six sons and two daughters were the offspring of the marriage between Malcolm and Margaret. Edward, the eldest, perished with his father, and Ethelred, created Abbot of Dunkeld and Earl of Fife, appears to have survived his parents for a very short time: Edmund died in an English cloister, a penitent and mysterious recluse; Edgar, Alexander, and David, lived to wear, in succession, the crown of Scotland. Of the two daughters, Editha was destined by Malcolm to be the wife of Alan, Count of Bretagne, but she eventually became the queen of Henry of England, who had long been attached to the Scottish princess, and claimed her as his bride immediately upon his accession to the throne. Many blamed Archbishop Anselm for countenancing the marriage, as they believed that Editha had taken the vows of a nun; but she convinced the archbishop

* This account of Margaret is entirely taken from her life, written by her confessor, generally ascribed to Turgot, and I think with reason. The writer was not her confessor latterly (c. 4), and as Turgot entered into orders in 1074 (not 1084 as Papenbroch says), and became Prior of Durham in 1087, six years before the death of Margaret, this would agree very well with the theory that ascribes the work to him. It must have been written in the reign of Edgar, as the messenger who brought the news of Malcolm's death to Margaret was "the son who succeeded to the king"—not Duncan, who was neither present at the battle nor was he a son of Margaret—and as *three* sons succeeded, though the writer only alludes to *the son* who succeeded, he must have written before the second son came to the throne. *Vide* also *Hailes' Annals, in loc.*

of their mistake, and her words throw a curious light on the severe discipline to which she was subjected under the rule of her mother's sister, the stern abbess of Romsey, as well as on the perils to which even a lady of her exalted rank was exposed, in these stormy times, from the licence of the Norman conquerors.* "I never took the veil," said the princess, "but when I was quite a young girl, trembling under the rod of my aunt Christina, whom you must recollect, she used to place a little black hood on my head, to protect me from the lawless insolence of the Normans; and when I tore it off she would beat me cruelly, scolding me during the punishment in the harshest language. So in her presence I wore the black hood in tears and trembling; but when my father saw it he would pluck it from my head in a rage, imprecating the wrath of Heaven on the hand that placed it there, and adding that he intended me for Count Alan's bride, and not for a sisterhood of nuns."† She changed her name to Matilda in com-

* Wherever the followers of Rufus were quartered, it was their custom to burn everything that they could neither eat, sell, nor carry off, whilst all that they could not drink in their orgies they either spilled or used to wash their horses feet. "Quæ vero in patresfamilias crudelia, quæ in uxores et filias indecentia fecerint, reminisci pudet." Hence the approach of the court was the signal for the wretched inhabitants of the neighbourhood to fly to the woods, and leave their houses to the mercy of their oppressors. Henry endeavoured to repress the evil with the stern justice of his father, tearing out the eyes of the perpetrators of such enormities, or punishing them by amputation of the hands or feet. *Ead. Hist. Novell.*, l. 4, p. 94.

† *Ead. Hist. Novell.*, l. 3, p. 56. Malcolm seems to have been fortunate in his choice between the sisters. It may have been the influx of ladies like the Scottish princess amongst the nuns, that introduced the use of ornamented pins and gold rings amongst the sisterhood, with the wreathing and dressing the hair, forbidden in several subsequent councils. The words of Matilda convict Orderic of one of those blunders which render that chronicler such a broken reed to lean upon whenever historical accuracy is required. He says that Count Alan of Bretagne sought the hand of Matilda *from Rufus*, "sed morte præventus non obtinuit," (l. 7, p. 702). As Alan died on the 19th October 1119 (*L'Art de verifier les Dates*, vol. ii., p. 897), it is difficult to conceive how his death could have prevented his marriage with Matilda,

pliment to her husband's mother, and her memory was long venerated amongst the English people, who fondly remembered her as "good Queen Maud."* Mary, the younger daughter, after the marriage of her sister with Henry, was united to Eustace, Count of Boulogne, by whom she left an only child, also named Matilda, the heiress of her father's earldom, which she brought as her dowry to Stephen of Blois, afterwards king of England.

who had then been eighteen months in her grave (she died 1st January 1118), after having been the wife of Henry the First since November 1100! Alan's first wife died in 1090, and he re-married in 1093, before Matilda could have sought refuge in England, for Malcolm was alive until the 13th November in that year. Alan, however, was once a suitor for the hand of Matilda, but to her father Malcolm (according to her own words) not to Rufus. This is the little grain of truth which, as usual, lurks in an infinity of error; for Orderic seems to have retailed all the gossip of the day, generally contriving to get hold of a wrong version of the story.

* Matilda appears to have been very amiable, very devout, very fond of music and poetry, very vain, and rather pretty; not a perfect, but a feminine and loveable character, which earned her the title of "Good Queen Maud." The feeling which prompted her aversion to the unbecoming black hood is easily to be traced in the character which Malmesbury has left of her (*Gesta Regum*, l. 5, sec. 418), though the good Queen would have forgiven serious offences sooner than the lukewarm praise accorded by that writer to her personal charms, "haud usquequaque despicabilis formæ." Like most of her family she died in the prime of life.

CHAPTER VII.

Donald the Third . . 1093–1094.
Duncan the Second . . 1094 ——.
Donald restored . . . 1094–1097.

The lamentable occurrence on the banks of the Alne threw all Scotland into confusion, retarding the progress of the country for the next quarter of a century. Edward had been chosen by his father for his Tanist, or successor, in preference to his elder half-brother Duncan, probably because, as the eldest of the sons of Margaret, he united her claims upon the allegiance of the Anglo-Saxons to his own right to the fealty of the native Scots; but the illegitimacy of Duncan is not necessarily to be inferred from the course pursued by Malcolm, for the ideas of that period about inheritance were not of the fixed and unvarying character which the custom of centuries has established in the present and preceding ages. The race of Alfred occupied the English throne to the exclusion of the children of his elder brother, nor did the descendants of the great king succeed in the lineal order of after-times. The claims of the Atheling were disregarded by the Saxon Harold, as well as by the Norman William; Robert was equally set aside by both his brothers; whilst Henry's daughter, Matilda, was obliged to support her right to the crown by force of arms against the pretensions of her cousin the heir-male, himself a younger son. This uncertainty about the

rightful heir will explain the care with which the kings of that age thought it necessary to secure the recognition of their successors during their own lifetime. The elder Henry assembled the magnates of his dominions to acknowledge the claims of his son William, and at a subsequent period those of his daughter Matilda; whilst his grandson, the first Plantagenet, celebrated in his own lifetime the coronation of his eldest son, a proceeding of which he lived most bitterly to repent. The name of David was associated, as the successor of the reigning monarch, with that of his brother Alexander in the grant to St. Andrews of the *Cursus apri;* that of the Scottish prince, Henry, is to be found in many charters as the heir-elect of his father; whilst the names of William the Lion, and of David of Huntingdon, are of frequent occurrence, under the same circumstances, as late as the commencement of the thirteenth century. In Scotland such a custom was peculiarly desirable, where the early usage, extending the right of election to the crown to every member of the royal family, rendered the nomination of a Tanist during the lifetime of the reigning sovereign a matter of absolute necessity, to prevent anarchy and confusion after his decease.

Three parties may be said to have divided Scotland at the period of Malcolm's death. In the north, the partizans of the house of Moray, crushed by the decisive victory gained by the late king over Lulach's son Malsnechtan, were in no condition to sustain the pretensions of any member of his family to the vacant throne. Along the eastern coast, and in the south, the supporters of the reigning family were divided between the national and foreign factions; the former composed of the hereditary adherents

of the house of Atholl, mostly of pure Gaelic or of Scoto-British descent; the latter of the refugees from England, and probably of the descendants of the ancient Northumbrians of the Lothians. The influence of Margaret at her husband's court, as well as motives of policy, had induced Malcolm to show especial favour to the countrymen of his queen, thus implanting the seeds of a bitter feeling of hostility in the breasts of many of the Scottish nobles at a line of conduct exhibiting, as they thought, an undue partiality for the Saxons and their innovations. The smothered enmity of the Scots blazed forth after the death of the king, and the haste and secrecy with which the body of the royal Margaret was removed by Ethelred to its last resting-place, discloses the existence amongst many of her contemporaries of a feeling of antipathy against the *Saxon Queen*, widely different from the enthusiastic veneration paid by their descendants to the memory of the *Royal Saint*.* The election of Donald Bane to his brother's throne was the natural consequence of this wide-spread jealousy, as well as of a reactionary feeling in favour
A. D. 1093. of the ancient national usage, according to which he was undoubtedly the rightful heir; and the immediate expulsion of the detested *Saxons* followed upon the triumph of the national party.†

* *Wynton*, bk. 7, c. 3, l. 96, who says that Ethelred took advantage of a mist to convey the body of his mother out of the west gate before her death was generally known. The good prior was as ignorant of any divine agency on this occasion as Turgot was unconscious of any pretentions on the part of his royal mistress to supernatural gifts; but in the account of Fordun, l. 5, c. 26, the body of Margaret is conveyed through the host of Donald Bane under cover of a miraculous mist. "That a mist on the Firth of Forth should be held miraculous," remarks Lord Hailes, "must appear to the inhabitants of the Lothians a strange example of prepossession and credulity."

† Boece palliates the usurpation of Donald by attributing it to the detestation—to use the words of his translator Bellenden—"of the pepil at the riotus and intemperat manneris brocht amang thaim be Inglismen;" the same high

The state of Scotland had not been unnoticed at the court of the English king, where Duncan appears to have resided, ever since the death of the Conqueror, in an equivocal position between a guest and a hostage. Brought from his native country at a very early age, he had imbibed the ideas of a feudal baron, and when Robert conferred upon him the honour of knighthood, after his liberation from his former captivity, the youthful knight preferred remaining at a court to which he was accustomed from his infancy, to returning to a country of which he knew but little, and where he may have feared a doubtful reception. Presenting himself before William, on learning the accession of his uncle, he requested the grant of his father's kingdom, promising to hold it in fealty and allegiance in return for the king's assistance. This was readily accorded on the terms of the petitioner; and when the return of spring favoured the march of an army, Duncan, placing himself at the A.D. 1094. head of a band of English and Norman auxiliaries, drove out his uncle Donald and took possession of the kingdom. The Scots appear to have been taken

authority enumerating amongst the virtues of David that "he ejeckit the vennomus custome of riotus cheir quhilk was inducit afore be Inglismen." David probably introduced the Norman habits, for at this period the Anglo-Saxons and Anglo-Danes were renowned for their love of "riotus cheir," though they were hardly the corrupters of the austere morals of the ancient Scots. Robert de Mellent is said to have introduced the custom of one meal a day from Constantinople, for his health as he affirmed—for his niggardliness, as was grumblingly insinuated by the hungry Saxons, who loved to recall the jovial days when Hardicanute set four meals a day before his overfed dependants, and rejoiced to see the dishes carried away full, because his followers could literally eat no more. There may have been some truth in the complaints of the Saxons, for the Normans, with many high qualities, were a hard and close race in all that concerned money. "The vennomus custome of riotus cheir" among *Inglismen* is again attributed by Lambarde entirely to the corruptions of the Danes, probably with equal justice; and upon their shoulders must the blame rest, till some Yorkshireman, or other denizen of ancient *Danelage*, vindicates the character of his ancestry at the expense of some other scapegoat.

by surprise, for upon recovering from their first astonishment, they at once returned in sufficient force to overwhelm the followers of Duncan, putting most of them to the sword; but as their hostility was confined to the foreign soldiery, and they entertained no personal antipathy to a member of Malcolm's family, they readily permitted Duncan to retain the crown on condition of introducing no more aliens into the country.*

The temporary success of Duncan appears to have thrown Donald Bane upon the support of a partizan of the northern faction, and he enlisted in his behalf the assistance of Malpeter MacLoen, the Mormaor of Mærne; whilst another party to his conspiracy for regaining the crown was Edmund, one of the surviving sons of Malcolm and Margaret, who was to be rewarded for his connivance in the death of his half-brother by sharing the royal power with his uncle Donald. Their intrigues were only too successful, and the treacherous slaughter of Duncan at Monachedin on the banks of the Bervie, where a rude stone still marks the supposed locality of his death, reinstated Donald, after an interval of six months, whilst the surviving followers of his murdered nephew were slain or driven from the kingdom.†

The second reign of Donald lasted without opposition for three years, but it would be impossible to say whether Edmund shared the throne, for a veil of mystery has been thrown over all his actions. During this period the remaining children of Malcolm were exiles from their native land, whilst William

* *Sim. Dun. de Gestis* and *Ch. Sax.*, *adan.* 1093. Donald reigned from Nov. 1093 till May 1094; Duncan from the latter date to the close of the same year, and Donald again from the close of 1094 till after Michaelmas in 1097.

† *Innes*, Ap. 5. *Wynton*, bk. 7, c. 3, l. 145. *Sim. Dun. de Gestis*, *Chron. Sax.*, and *An. Ult. ad an.* 1094. *Malm. Gesta Regum*, l. 5, sec. 400.

was occupied in fruitless wars with the Welsh, in reducing the too powerful de Mowbray of Northumberland, and in negotiating with his brother Robert the purchase of the duchy of Normandy. At length towards the close of the year in which the Saxon A. D. 1097. chronicler laments over "the grievous oppression of the people who were driven up from the country districts to London, to work at the wall they were building about the Tower, and the Bridge, and the King's Hall at Westminster, whereby many perished,"* Edgar Atheling was dispatched to Scotland, and, after a severe struggle, he succeeded in placing his eldest nephew Edgar upon the throne, under similar conditions to the terms imposed upon Duncan.† Donald, falling into the victor's power, was treated with the severity of a cruel age, and was sentenced to pass the remainder of his days, in blindness and in chains, at Roscolpie or Rescobie in Forfarshire; whilst his confederate Edmund, the only degenerate son of Malcolm and Margaret, seems to have adopted a course which saved his own life, and preserved the honour of the family. He expiated his crime by assuming the cowl at Montague, a Cluniac Priory in Somersetshire; and the honourable imprisonment of the princely monk in the retirement of a distant cloister, so effectually obliterated the recollection of his treason amongst the people of his native land, that a halo of peculiar sanctity gradually encircled his memory, and he was handed down to posterity as a man of more than ordinary holiness. Such a reputation must, for obvious reasons, have been favoured by the members of

* *Chron. Sax.* 1097.

† *Sim. Dun. de Gestis* and *Chron. Sax. ad an.* 1097. According to Fordun, l. 5, c. 30, the Banner of St. Cuthbert won the day, three knights, through its aid, defeating the whole of Donald's army!

his family, and the saintly character attributed to Edmund may have been partly owing to the austerities of a repentance, which prompted his dying wish to be buried in chains.*

Edgar . . . . . 1097–1107.

Hardly were the sons of Malcolm reinstated in their ancestral dominions,—for the autumn must have been far advanced before the army of the Atheling reached its destination,—when the western coasts of Scotland were threatened with a repetition of the early invasions of the Northmen.

From a very early period the whole of the islands along the western coasts of Scotland were favourite resorts of the Scandinavian Vikings, who established themselves amongst the scanty population of the Hebrides with far greater ease than upon the mainland. From the intermixture of the natives with the northern invaders, sprung the race to which the Irish annalists, and occasionally the Sagas, give the name of Gallgael, a horde of pirates plundering on their own account, and under their own leaders, when they were not following the banner of any of the greater sea-kings, whose fleets were powerful enough to sweep the western seas, and exact tribute from the lesser island chieftains. Man was from an early

* *Malm., as above. Innes*, Ap. 4. *Wynton*, bk. 7, c. 3, l. 108, and c. 8, l. 49. The Prior of Lochleven tells a singular tale about Donald, how in his blindness he enticed into his power the eldest son of David "a gangand chyld . . . and wyth tympanys sharpe set till hys naylis . . . thrystyd and swa handlyd the chyld . . . quhil he deyd at the last," and how "the modyr than that herd the cry . . . for sorow gave the gast rycht thare." As the latter part of the story is unquestionably false, it may be hoped that the whole tale is a fabrication. In the version of the same tale recorded by Orderic, the supposed murderer is an outcast priest, a pensioner on David's charity. *Vide Hailes' Annals*, vol. i., p. 112, note.

period the seat of the sovereignty of the Isles, which was long centred in the family of the Hy Ivar, lords of Dublin, and often kings or Jarls of Danish Northumbria. In the middle of the tenth century the Islands fell under the dominion of Eric Blodæxe, whose rivalry with Olave Sitricson weakened and divided the power of the Anglo Northmen; and after the death of Eric they were ruled by Magnus Haraldson and his family, the representatives of the elder Sitric, who appear to have been driven from Limerick, the early seat of that branch of the Hy Ivar. The exploits of this line of princes upon the coasts of Wales are continually to be met with in the Welsh and Irish chronicles of the period, but their title of Oirrigh is a proof that they were not independent, and they probably paid tribute to the head of their family at Dublin.

The united power of the Orkneys, the Islands, and the western coasts of Scotland, in addition to the Irish Norsemen, failed to avert the catastrophe of Clontarf, A. D. 1014. and the eleventh century opened upon the decline of the Hy Ivar. The personal energy of Thorfin, the great accession of territory resulting from his connection with Malcolm the Second, and the union of all the northern islands with his wide possessions on the mainland, enabled him to take advantage of their weakness; and if the Sagas are correct, in attributing to him a large *Riki* in Ireland, and in extending his dominion from Thurso Skerrey to Dublin, the Jarl of the Orkneys may have assumed the prerogatives of the earlier kings of Dublin, exacted tribute from their dependants, and become the acknowledged leader of the Scottish and Irish Northmen. During the ascendancy of Thorfin the Islands were for some time under the rule of a certain Gille, and of Suibne

A. D. 1034. MacKenneth, names pointing to the Gaelic element amongst the Gallgael; and it is not unlikely that they owed their rise to the Jarl, and were amongst the earliest of the mainland chiefs of the Oirir-Gael who disputed the possessions of the Hebrides with the kings of Man.*

Towards the middle of the eleventh century Dermot MacMalnembo, lord of Hy Kinselagh and king of Leinster, was occupied in establishing the supremacy of his family throughout his native province; and entering the territory of the Dublin Norse-
A. D. 1052. men, which was known as Fingal, in the year 1052, he ravaged the country up to the walls of their capital, driving out Eachmarcach, the son of Reginald, then the head of the race of Olave Sitricson, and establishing his dominion over the whole district and its inhabitants, whilst Eachmarcach fled from his enemy to
A. D. 1061. Man. Nine years later, Murchad, the son of Dermot, following up the successes of his father, pursued Eachmarcach to his island retreat, wrested the sovereignty of the Islands from the race of Ivar, and rendered them tributary to the line of Leinster. Thorfin, whose ascendancy appears to have declined before
A. D. 1064. this period, died soon after the transfer of the Islands to Dermot; and his two sons, escaping from the slaughter at Stamford Bridge, whither they had followed in the train of the king of Norway, returned to their northern home, and without dividing the
A. D. 1066. possessions of their warlike father, passed a peaceful and inglorious existence as joint Jarls during the remaining thirty years of the century.†

* *Antiq. Celt.-Scand.*, p. 108. *Tigh.* 1034. Gille, Jarl of the Sudreys, was either the nephew or the brother-in-law of Jarl Sigurd,—or both, as a marriage between an aunt and her nephew occasionally took place in the distant north.

† *Tigh.* 1052, 1061. *Col. de Reb. Alb.*, p. 346. *Seventy*-five and *sixty*-five years have been given to Thorfin, but

Amongst the fugitives from Stamford Bridge was a son of Harald the Black of Iceland, Godfrey, surnamed Crovan or "the White Hand," who found a hospitable reception in Man from another Godfrey who, at the time of his arrival, was king, or Oirrigh, of the island.* Six years after the arrival of the fugitive, Dermot of Leinster fell in battle, after raising the power of his province to the highest pitch, and uniting the supremacy over the whole of southern Ireland, with the dominion of the Isles and of "the Britons"—the inhabitants, apparently, of the Isle of Anglesey;† and three years later, upon the death of Godfrey of Dublin, the son of Eachmarcach and head of the race of Hy Ivar, Godfrey Crovan attempted to seize upon the Islands.‡ Twice was he defeated in his attacks upon Man; but refusing to be foiled, he determined upon risking a final effort, and with a fleet collected from the other islands, sailed up the river Selby by night, landed his forces, and concealed a body of three hundred men amongst the wooded sides of a neighbouring hill called Skeafell. As soon as it was light, the Manxmen, perceiving the enemy whom they had already twice defeated, assembled to give him battle, and attacked with headlong confidence, heedless of the ambuscade, which fell upon them in the heat of the engagement with decisive and fatal effect. They turned and fled precipitately; but finding on arriving at the river that the stream was unfordable, for the tide was

A.D. 1072.

A.D. 1075.

as he was five years of age when his father fell at Clontarf in 1014, and his own death occurred before the expedition of Harald Hardrade in 1066, he probably died at the age of *fifty*-five, in 1064.

* *Chron. Man.* 1047. The dates of this Chronicle are occasionally very inaccurate, but they are easily rectified. Godfrey Crovan conquered Man five years after the inroad of Malcolm the Third into Cleveland, *i.e.*, in 1075.

† *Tigh.* 1072.

‡ *Tigh. An. Ult.* and *A. F. M. ad an.* 1075.

then at its height, throwing down their arms they begged for mercy from the conqueror; and as his object was attained by their submission, he put an immediate stop to the slaughter. His next step was to reward his confederates the Islesmen, to whom he offered the choice of remaining and appropriating the island, or of plundering it and returning to their homes; and as the latter course was most congenial to his allies, the property of the Manxmen was delivered over to their mercy. Many of the Islesmen, however, consented subsequently to remain behind, and they were settled by Godfrey in the south of the island, around his own immediate residence, whilst the earlier Norse population was confined to the north, a division which can long be traced in the little kingdom; and the conqueror assuming to himself, as usual, the sole right of property in his dominions, the Manxmen lost their Odal privileges in the same manner as the Orkneymen had been deprived of theirs, from the time of the first Einar, to the days of Sigurd Lodverson.*

Godfrey Crovan was of a character to afford his new subjects frequent opportunities of repairing the losses incurred through the pillage of the Islesmen; and he soon extended his conquests over the Irish Norsemen, capturing Dublin, and retaining his supre-
A. D. 1078. macy for sixteen years, until he was driven out by Murketagh O'Brien, whose family appear to have made more than one attempt subsequently upon Man.† His pre-eminence in the same quarter was

* *Chron. Man.* 1056. The abrogation of the Odallers' rights appears to have been the first step invariably taken by Scandinavian conquerors. The result was taxation, the king or Jarl asserting his right to the land. This division of the island was probably the reason of the two *Deemsters* or Judges of Man.

† *Chron. Man. An. Ult.* and *A. F. M.* 1094. Godfrey is generally known in the Irish Annals as *Meranach*, or the Bad.

also disputed by the surviving sons of Eachmarcach; but they perished in a fruitless effort to vindicate their rights, and from the date of this failure the descendants of Ragnar Lodbroc never again rose above the rank of subordinate Oirrighs of Dublin.* A. D. 1087.

In the year after he was expelled from his Irish conquests, Godfrey died of a pestilence in the Isle of Isla, leaving three sons to inherit his dominions. His great power was based upon his fleet, and to prevent any rivalry upon the seas he is said to have forbidden the Scots—the inhabitants apparently of the western coasts and the Galwegians—to build any vessel requiring more than "three bolts" in its construction.† A. D. 1095

Such was the condition of the Islands when Magnus Olaveson sailed with a powerful fleet from Norway, purposing to re-enact the part of Harald Harfager, and establish the rights of the Norwegian crown over the western conquests of his predecessor. First touching at the Orkneys, he seized upon the two Jarls, and dispatching them in safe custody to Norway, carried off their sons as hostages, placing his own son Sigurd over the Jarldom; though, as the new Jarl was a mere child, the real authority was vested in his council. The king then steered for the Hebrides, rapine and slaughter marking his course, and the flames of the crops and houses which he burnt lighting up his onward career. Some of the Islesmen escaped to the mainland of Scotland; others fled further and sought a refuge in Ireland—for the Norwegian fleet was far too powerful to be resisted with any hope of success by the scattered population A. D. 1098.

* *An. Ult.* 1087.

† *An. Ult.* and *A. F. M.* 1095. *An. Inisf.* 1078. *Chron. Man.* "Nullus qui fabricant navem vel scapham ausus esset plus quam tres clavos insere." Such are the words of the Chronicle; their exact meaning I do not pretend to understand.

of the islands—whilst the least scrupulous, or the most insignificant, escaping with life by submitting to Magnus, swelled the number of his followers, and repaired their own losses by relentlessly pillaging their neighbours. Among the unsuccessful fugitives was Godfrey's eldest son Lagman, who, before he could escape to Ireland, was surprised amongst the northern Hebrides, and captured off Skye, after a vain attempt to baffle his pursuers amongst the islands. In one feature alone was the expedition of Magnus distinguished from the incursions of his heathen ancestors—the sanctity of Iona was respected. The king is reported to have landed on the sacred island, and opening the door of St. Columba's Church, to have hastily drawn back, forbidding any of his attendants to enter, and departing immediately after granting peace and immunity to the inhabitants. None ever knew whether a vision had appeared to the king, but his clemency was limited to the hallowed island of Columba, nor was the sword of the destroyer stayed in any other quarter.

At length Magnus arrived at Man, where the inhabitants were in no condition to resist his attack, as they had already wasted their strength in a sanguinary contest between the northern and southern clans near Sandwith—Ottir and MacMaras, the rival leaders, both falling in the course of the battle. At once recognising the importance of the island for retaining his western conquests, he ordered the immediate construction of several wooden forts, built in the usual manner of the age; procuring timber for this purpose from the opposite shores of Galloway, and forcing the Galwegians to convey supplies to Man, and to join in labouring at the entrenchments. From Man he crossed to Anglesey, ravaging the country,

exacting tribute from the people, and killing Hugh, Earl of Shrewsbury, who attempted to oppose his descent; whilst he could now boast at the extreme limits of his expedition of having extended his conquests further to the southward than any of his predecessors upon the throne of Norway.

Magnus was occupied during the ensuing winter amongst the Sudreys, or Southern Hebrides, in securing the conquests of the preceding summer and in arranging a treaty with the Scottish king, who is said by some authorities to have admitted the pretensions of the Norwegian monarch to the whole of the islands in the western seas. To such an arrangement (if it were ever made) Edgar could have offered no valid objection, as the majority of the islands could hardly be said, at this time, to have ever been included amongst the dependencies of the Scottish crown. It is further stated that the king of Norway established his claim to his new possessions by sailing round each of them separately; and he is even said to have been dragged across the isthmus at Loch Tarbert in a boat, with his hand upon the tiller, in order to include Cantyre amongst the islands—a story probably invented at a later period to account for the severance of that district from the mainland possessions of the Oirir Gael, and its lengthened occupation by the Gallgael in dependence on the Norsemen and their kings.*

Magnus returned to Norway in the following summer, leaving Sigurd in his new Iarldom; and he A.D. 1099

* This account of the first expedition of Magnus is taken from the *Heimskringla*, *Saga* 11, c. 9, 10, 11. *Chron. Man.* 1098. *Chron. Sax.* 1098. From his partiality to the costume of the Islesmen, he obtained the name of Magnus *Barefoot*. The later Scottish Chroniclers assert that the cession of the Isles was the price of the assistance of Magnus, which placed Donald Bane upon the throne. He must have been resuscitated from the grave.

was occupied during the next three years in warring against the Swedes, until peace was concluded, and cemented by his marriage with a daughter of the Swedish king Inge. But his former successes amongst the Hebrides had inflamed him with the desire of further conquests in the same quarter, and hardly had he ratified his alliance with Sweden before he again fitted out a fleet, to be directed on
A. D. 1102. this occasion against the Irish coasts. Murketagh O'Brien, collecting the men of Munster and Leth-Mogh, prepared to oppose the invasion; but an arrangement was soon effected between the kings, by which the daughter of Murketagh was given to Sigurd Magnusson, whilst the claims of that prince upon the allegiance of the Dublin Norsemen were probably supported by the Irish king.*

A. D. 1103. Magnus passed the ensuing winter in Ireland, assisting his new allies the Munstermen against their rivals, the northern Hy Nial, and remaining until the following August, when he prepared to return to Norway, and lay off the coast of Ulster awaiting a supply of cattle for victualling his ships, promised by Murketagh O'Brien. The disastrous defeat of the latter prince by the northern Hy Nial, early in the same month, may have prevented or delayed the dispatch of the cattle; and Magnus disembarked with a body of his men, both to ascertain the fate of the scouts whom he had already sent out, and to victual his fleet with the necessary supplies at the

* *Heimsk. Saga* 11, c. 25. *An. Ult. A. F. M.* 1101, 1102. According to the Chronicle of Man, Magnus sent his shoes to Murketagh, ordering that king to carry them on Christmas day, in token of his inferiority. The Irish chieftains were naturally indignant, but their king replied that he was ready to eat the shoes rather than one province of Ireland should be wasted! This singular tale was unknown to the Norse and Irish Chroniclers; and indeed, if Magnus deserved the epithet appended to his name, it would have been difficult for him to send such articles of apparel to the Irish court.

expense of the men of Uladh. Whilst thus employed he gradually became entangled amongst the neighbouring morasses; and his retreat to the ships being intercepted by the Ulstermen, who flocked in numbers towards the spot, he fell, with many of his followers,—through the cowardice or treachery of one of his principal officers,—in a fruitless attempt to open a path through the increasing numbers of the foe. On hearing the tidings of his death, the fleet, weighing anchor, sailed immediately for Norway, touching at the Orkneys, and taking on board Sigurd, who relinquished his Irish princess and his island kingdom to claim a share of his father's dominions, when all the conquests of Magnus reverted to their original possessors; though the Jarls of the Orkneys, and the lords of the Western Islands long continued, whenever it suited their purpose, to rank themselves amongst the feudatories of the Norwegian crown.*

With the exception of the expedition of Magnus Olaveson, the nine years of Edgar's reign seem to have been absolutely devoid of interest, the total absence of event which distinguishes this period arising probably from the personal character of the king. Of a gentle and inoffensive nature, much resembling the Confessor, in his faults perhaps as well as in his virtues, he provoked neither external hostility from his ambition, nor internal revolt from his oppression; whilst the marriage of his sister Matilda with the English Henry, must have tended materially to strengthen his authority, by overawing the turbulent spirits who otherwise might have presumed upon his indolent disposition. He appears to have cultivated the alliance of the Irish king

* *Heimsk. Saga* 11, c. 26-28. also *Antiq. Celt.-Scand.*, p. 231 to *An. Ult.* and *A. F. M.* 1103. *Vide* p. 244.

Murketagh, who, from Edgar's present of a camel, may have aimed at resembling Henry of England in his partiality for rare animals.* In imitation of the pious liberality of both his parents, he founded the priory of Coldingham, granting it to the monks of Durham; thus exhibiting his partiality for his mother's country, and perhaps, also, his attachment to her ancient confessor Turgot, the friend of his
A. D. 1107. own early youth, who at this time was prior of the monastery of Durham.† Upon the 8th of January 1107, Edgar sunk into an early grave, with his latest breath bequeathing the appanage of Scottish Cumbria to his youngest brother David; not only as a testimony of personal regard for his favourite brother, but as an acknowledgment of the valuable assistance which he had derived, during his contest for the crown, from the intelligence and sagacity of that able and politic prince.‡

Alexander the First . . . 1107–1124.

Widely different in character from his peaceful and indolent predecessor was the next king who filled the throne of Scotland. To a purity of life, a fondness for the devotional exercises and austerities of the age, and a reverential demeanour towards the clergy—qualities which he inherited from his mother—Alexander united the high courage and warlike bearing of his father; whilst his own restless ambition and indomitable will involved him in continual contests throughout his reign, and earned for him the appellation of the Fierce. In many points he re-

* *An. Inisf.* 1086. *Malm. Gesta Regum*, l. 5, sec. 409.

† *Fordun*, l. 5, c. 34.

‡ *Sim. Dun. de Gestis* 1107. *Ailred de Bel. Stand* (*Twysden*, p. 344). *Fordun*, l. 5, c. 55.

sembled his sister the queen of England; and the same lavish generosity towards strangers, with the same somewhat ostentatious display of charity in feeding, clothing, and washing the feet of the poor, to which "the Scottish Esther" (as she is sometimes called) in vain endeavoured to incite her youthful brother David, formed in Alexander a striking contrast to his haughty and imperious bearing towards the great body of his subjects. Naturally viewing with a jealous eye the dismemberment of his kingdom for the advantage of his younger brother, he refused at first to carry out the bequest of Edgar until David threatened to support his rights by the sword; when the fear of the mail-clad auxiliaries, whom the long residence and popularity of the Earl at his sister's court would have enabled him to call to his aid, at length extorted from Alexander a tardy and reluctant recognition of his brother's claims upon Scottish Cumbria.*

The effects of the new king's determination to enforce submission to his will, soon became apparent in a simultaneous rising of the ancient enemies of his family, who must have recovered much of their former power during the anarchy and confusion resulting upon the death of Malcolm the Third. Donald Bane was perhaps indebted to the crown for

* Ailred, in his *Genealogia Regum* (*Twysden*, p. 367, 368), describes the character of the three brothers, Edgar, Alexander, and David. He also relates an anecdote which he heard from David, that whilst that prince in his younger days was in attendance at the English court, he received a sudden summons, when amongst his companions, to repair to the presence of his royal sister. He found the Queen engaged in her evening occupation of washing the feet of a number of lepers, and pressing the feet of each leper to her lips as she completed the ceremony. Matilda invited her brother to follow her example, but he excused himself, not unnaturally expressing a doubt whether the royal Henry would approve of the manner in which his Queen bestowed her favours. Matilda did not press the subject, and David rejoined his companions. Wendover has copied this anecdote, dating it in 1105.

their support, and his immediate successor was not of a disposition to curb the increasing independence of his powerful and refractory Mormaors; but Alexander, accustomed to the ideas of feudalism with which he had become acquainted at the English court, was deterred by no fear of consequences from exacting a very different species of obedience from that which had satisfied the peaceful Edgar; and his measures for controlling the disaffection of his subjects resulted, before long, in a rebellion in the north.

The conspirators laid their plans with secrecy, and the men of Moray and Mærne marched in haste to the south, in the hope of surprising Alexander, and repeating the catastrophe of his brother Duncan. The king was holding his court at Invergowrie—a residence to which he always exhibited a marked partiality, as he had enjoyed the earldom of the district from a very early period—when he received intelligence of the near approach of his enemies, and with the prompt vigour of his character, hesitated not an instant in confronting the danger, his bold advance so daunting the conspirators that they turned and fled for the mountains. Thither he followed without delay, so closely pressing the pursuit that he swept through the northern earldoms without opposition, until he reached the boundaries of Ross, where his opponents were occupied in gathering their whole strength upon the opposite shores of the Moray Firth. It was evidently their intention to dispute the passage of the Firth, and to attack the army of the king whilst engaged in crossing; but again anticipating their purpose, he reached the point of passage, known as the Stockford, when it was high tide, plunged at once into the stream, and crossing with his mounted followers in safety, ad-

vanced upon the enemy before they could escape to mountain or morass, and inflicted such a slaughter upon their surprised and bewildered masses, that all disposition to revolt against his rule was stifled in the blood of his opponents—his stern and sanguinary vengeance upon this occasion earning for him the title of the Fierce. The Monastery of Scone is supposed to have owed its erection to the pious gratitude of Alexander for his speedy and triumphant success; and in the foundation-charter of that ancient Abbey, the name of Heth, Earl of Moray, stands prominently forward amongst the other Gaelic Mormaors, who were assembled in dutiful attendance at the court of their lord the Scottish king.*

This reign was destined to become the era of the

* *Wynton*, bk. 7, c. 5, l. 21 to 62. *Fordun*, l. 5, c. 36. *Lib. de Scone*, ch. 1. I have principally followed the account of Wynton. It was evidently the object of Alexander to bring the men of Moray and Mærne to an engagement where his mounted followers could act with effect, whilst it was equally the aim of his enemies to attack the king at a disadvantage, which they calculated upon doing if he attempted to cross by the usual ford. It was from no mere reckless bravado that Alexander swam across, at an unguarded spot probably, and at full tide, when he was least expected, thus out-manœuvring the enemy and falling upon them in the open country. Swimming a river was no uncommon feat amongst the heavy-armed soldiery of those days. Robert of Gloucester swam the Trent before the battle of Lincoln, when the fords were impassable from floods. Fordun (or Bowyer), frightened perhaps at the idea of the king and his men-at-arms swimming the Moray Firth, places the battle at the Spey, and divides the honour of the feat with Sir Alexander Scrimgeour. He and Boece are eloquent about the escape of Alexander from the treachery of one of his chamberlains in league with the enemy; but Wynton knew nothing of the tale, which probably rests on a very doubtful foundation. Mr. Skene (*Highlanders*, vol. i., p. 129) has attributed the attack on Alexander to Ladman, a son of Donald Bane, on the strength of the following entry in the Ulster Annals under the year 1116. "Ladmunn M. Dom. h . . . . . righ Alban killed by the men of Moray." But Ladman son of Donald, *grandson* of . . . . . king of Alban, can scarcely be a description applicable to a son of Donald Bane; and the word now lost must have been the name of Ladman's *great grandfather*, not the *designation of his father*. Donald Bane appears to have left no son, for both Wynton and the Comyn pedigree in the Fœdera, represent Bethoc as his heiress. Ladman also appears to have been at enmity with the Moraymen; but who or what he was must remain a matter of conjecture.

first collision between the ecclesiastical and secular powers in Scotland. The last known Gaelic or Culdee bishop of St. Andrews was Fothadh, who died in the same year as Malcolm Ceanmore,* the see remaining vacant during the three succeeding reigns; but when Alexander ascended the throne, he immediately determined upon appointing a bishop, who would be ready to carry out the views upon religious subjects in which all the family of Malcolm Ceanmore had been educated by their Anglo-Saxon mother. Accordingly, in the first year of his reign he selected Turgot to fill the vacant see of St. Andrews; but a difficulty, upon which he had scarcely calculated, awaited him at the very outset of his undertaking.

Ever since the time when Bruno, Bishop of Toul, yielding (according to the general opinion) to the advice of Hildebrand, Prior of Clugny, relinquished the Papal insignia with which he had been invested by the Emperor, and entered Italy in the garb of a pilgrim to abide by the election of the Roman clergy, it had been the aim of the ambitious churchman, whose master-mind is supposed to have directed the Papal policy for a quarter of a century before he occupied the Pontifical Chair, not only to emancipate the church from all dependence upon royal authority, but to establish her dominion, as a temporal power, over the whole extent of Christendom. The name of the Emperor disappeared from Papal bulls; the titles of Apostolic Bishop and of Pope were declared to belong to the occupant of St. Peter's Chair alone;

* *An. Ult.* 1093. Fordun supplies four bishops *elect* between Fothadh and Turgot; but of "Gregory, Cathrey, Edmar, and Godric," Wynton, a canon of St. Andrews, and well read in the archives of the see, was profoundly ignorant. The words of the old MS. quoted in Selden's preface to Twysden p. 6, "Electus fuit Turgotus . . . . . et stetit per annos septem. In diebus illis totum jus Keledeorum per totum regnum Scotiæ transivit in Episcopatum St. Andriæ," imply that a great change was brought about at this time.

Archbishops were appointed Metropolitans over other primates in spite of all opposition; and Metropolitans were instituted without consulting their clergy, solely by the force of Papal bulls;* measures calculated to extinguish the remnants of independence in national churches, and to place the whole Christian hierarchy at the disposal of the sole and absolute will of the Pope. Whilst the clergy were thus to be reduced to a dependent body, animated by the soul of one man, and carrying out his vast schemes for temporal authority throughout the kingdoms of the world, the secular power was attacked in more ways than one. The right of granting kingdoms, and of releasing subjects from their allegiance, was both claimed and exercised; Sicily was conferred upon the Norman Guiscard; fealty was demanded from the conqueror of England;† Spain and Hungary were claimed as

* The appointment of the Archbishop of Lyons to be Metropolitan over Tours, Rouen, and Sens, by Hildebrand, in spite of the opposition of the bishops of those Metropolitan sees; and the elevation of Toledo into the Metropolitan see of Spain, by Urban II., without in any way consulting the wishes of the Spanish clergy, may be quoted as instances. The state of the Papacy in the early part of the eleventh century had been scandalous. In 1012 Benedict VIII. obtained the see through the influence of his kinsman the Marquis of Toscanella, one of a family which had influenced the elections of the bishops of Rome for upwards of a century. His brother John XIX. fairly bought the Papacy, and was in the same day a layman and the head of the Roman Church. Similar means obtained the election of his nephew, Benedict IX., a mere child, who after scandalizing Rome with his excesses, retired in favour of Gregory VII., who was in turn deposed for simony on account of the bribe by which he procured the abdication of Benedict. The latter then again reappeared to contest the popedom with two German bishops, Clement II. and Damascus II.; and after their deaths the Romans appealed to the emperor against the threatened intrusion of Benedict for the third time, and the papacy was conferred upon Leo IX. In allusion to the influence of Hildebrand, his great friend the Bishop of Ostia wrote the following lines:—

Papam rite colo, sed te prostratus adoro;
Tu facis hunc Dominum, te facit ille Deum.

† The reply of William was very characteristic of the great Norman: "Homage neither have I sworn, nor will I swear it, for I never promised it, nor can I find that my predecessors ever performed it to yours." Though perfectly respectful to the Pope, he said, "If ever monk of my land carry plaint against his sovereign lord I'll have him hanged on the tallest tree in the forest."

Papal fiefs, and even the distant Russian received his dukedom from the hands of the Bishop of Rome. It was then also that the notorious Donation of Constantine first saw the light, and the Papal claims to universal dominion were supported by apocryphal documents, supposed to exist amongst the archives of Rome.* But the great struggle was about the right of Investiture, or of granting the Ring and Pastoral staff to a newly made bishop, in token of his appointment.†

From the period when Christianity became the recognised religion of the Roman empire, the head of the state participated in the nomination of bishops, who were supposed to be chosen by their flock, approved off and consecrated by their fellow clergy, and confirmed in their appointment by their temporal ruler. The voice of the people had long been silenced, on account of the disgraceful tumults and outrages so frequently occurring at the election of bishops, when instead of a little band of devout believers purified by the test of persecution, the flock was composed of the licentious rabble of a city. The voice of the clergy was intended by the policy of Hildebrand to become a mere echo of the Lateran; and the voice of the ruler of the state to be no more heard except in liege acquiescence. The conduct

* "Il n'y avoit pas de Royaume qu'il ne prétendit être tributaire du saint Siege, et pour le prouver, il ne craignoit point d'alléguer des titres qui se conservoient, disoit-il, dans les Archives de l'Eglise Romaine, mais qu'il n'osa jamais produire." Such are the words of the Benedictine editor of "L'Art de verifier les Dates." The Donation of Constantine was first openly brought forward in the letter of Leo IX. to Michael Patriarch of Constantinople, written in 1054, and it was one of the causes of the separation of the Greek Church. It is a fair specimen of the supposed contents of "the Archives of the Roman Church."

† The manner of choosing a bishop, and the abuses which had sprung up in such elections, are nowhere better described than in a letter of Apollinaris Sidonius, written about 470. (*Epist.* l. 4, *Ep.* 25.)

of the princes of that era afforded ample scope to Hildebrand for appearing in the character of a reformer of the abuses of the age, for as the elections of bishops by the popular voice had too often degenerated into scenes of tumult and factious violence, so in the hands of princes they had become but too frequently mere mercantile transactions. Bishoprics and abbacies were either openly bestowed upon the highest bidder, or were suffered to remain vacant for years that their revenues might be appropriated to purposes of private emolument; and too many of the superior clergy were very ready to profit by an abuse which opened an easy access to the high places of the church, to those whose profligacy would otherwise have barred their advance to preferment of which they were utterly unworthy. Had the policy of Hildebrand been directed simply to the correction of such abuses, and to the establishment or restoration of a discipline which he deemed essential, its motives would have been high and holy; but it is only too evident that earthly ambition was the ruling principle of a mind elevated above the meaner vices of the age, and that the reforms which he advocated served as a cloak for promoting with unscrupulous energy that temporal aggrandizement of the Papal See, which attained its culminating point when Innocent the Third proclaimed himself "less than God, but more than man, God's Christ, and Pharoah's God."*

With the influx of foreign clergy after the Conquest, the system of Hildebrand penetrated into England, and its effects soon became apparent,

* The "Pharoahs" of the age of Innocent were the temporal princes, whom the same Pope elsewhere describes as subordinate moons revolving round the papal sun, and deriving all their light from that luminary.

nearly every bishop rushing into a contest with the neighbouring prelates about the rights, privileges, or possessions of his see. Canterbury claimed jurisdiction over all the British Isles in virtue of the Bull of Gregory the Great to Augustine; and York asserted ecclesiastical supremacy over Scotland on account of the signature of Wilfrith at the council of Rome, and the short episcopate of Trumwin over the Picts. When, therefore, Alexander requested the Archbishop of York to consecrate Turgot, he was met by a claim to the canonical obedience of the Scottish bishops, to which he was by no means inclined to submit. The difficulty was set aside for the time by Henry of England, who desired the Archbishop of York to perform the necessary ceremonies, reserving the rights of both churches for future discussion;* when Anselm of Canterbury wrote to forbid the proceeding, as he had not yet consecrated Thomas of York, who had hitherto evaded all profession of canonical obedience.† But this second difficulty was shortly removed by the death of Anselm; and soon afterwards, the Archbishop of York, and the Bishop of St. Andrews, were both
A. D. 1109. consecrated on the same day by the Bishop of London.‡

Differences quickly arose between the king and

* *Sim. Dun. de Gestis* 1074 (p. 207). Like Boece, Stubbs, a stout partizan of York, writing at the close of the fourteenth century, was far better informed than the contemporary chronicler of all the circumstances of this dispute. *Twysden*, p. 1712, *et seq.*

† The deprecatory answer of Thomas to Anselm is very characteristic of the age, "The money which I had collected for coming to you—and it was a large sum for my means—was all spent at Winchester, where I stopped too long. I then hurried home to scrape together some more to send to Rome for my pallium," adding, "and I am still seeking for money, but very little can I find, except *at a grievous rate of interest*,"—a complaint alas! common to those in the Archbishop's circumstances in every age. *Ead. Hist. Nov.*, p. 98.

‡ *Sim. Dun. de Gestis* 1109.

Turgot, and though it is impossible to state their nature with precision, they were probably connected with the opposite views entertained by Alexander, and the bishop, upon the necessity of immediately remodelling the state of the Scottish church. At length the latter requested permission to proceed to Rome for the purpose of laying his case before the Pope; but Alexander steadily refused his sanction to a journey of which he was far too sagacious not to foresee the consequences; and Turgot only A. D. 1115. obtained license to retire to his former residence in the monastery of Durham, where he fell ill and died in 1115.*

Alexander determined that the next bishop should be chosen from the province of Canterbury, in the hope of evading the claims of York through the opposing pretensions of the rival see; but although he wrote to the Archbishop of Canterbury to this effect soon after the death of Turgot, several years elapsed before he finally requested that a monk of the name of Eadmer, who had been much in the A. D. 1120. confidence of Anselm, should be sent to undertake the office of Bishop of St. Andrews. Released from his allegiance to the English king, and from his canonical obedience to the see of Canterbury, the new bishop was duly installed in his diocese;† but Alexander soon found that "he had gained nothing in seeking for a bishop out of Canterbury," for it would appear to have been the especial object of

* *Sim. Dun. de Gestis* 1074 (p. 207), 1115.

† "Eligente eum clero et populo terræ, et concedente Rege," are the words which seem to have rather puzzled Lord Hailes (*Annals*, vol. i. p. 63, *note*). But all bishops were originally supposed to have been chosen in this manner; though it is probable that the rights of the "clerus et populus" were at this time as exclusively possessed by the Culdees as they were subsequently vested in the Chapter.

Eadmer to exalt the See of Canterbury by reducing the Bishop of St. Andrews to the subordinate situation of a suffragan of the English Metropolitan, in which he was steadily opposed by Alexander,* who showed the same determination in refusing permission to Eadmer to retire to Canterbury in the capacity of Bishop of St. Andrews, as he had previously evinced in opposing the departure of Turgot to Rome. The English prelate was warned by the Bishop of Glasgow that he had to deal with a prince of inflexible resolution, and that unless he yielded the points in dispute, or relinquished the ring and crozier, thereby surrendering up the bishopric, he would neither be able to live in peace within the limits of the kingdom, nor would he be permitted to cross its boundaries. Eadmer, at length giving way, resigned his bishopric and retired to Canterbury; consoling himself with the thought that the investiture of the ring, which he had received from Alexander, had lost its spiritual efficacy by passing through the hands of a layman.†

A. D. 1122. Eighteen months of retirement and the advice of his friends, who reminded him, with justice, that it was his duty to maintain the rights and liberties of the church and kingdom in which he had accepted the office of bishop, rather than to find suffragans for York, or promote the claims of Canterbury,‡ wrought an alteration in the opinions of Eadmer; and he wrote submissively to Alexander, urging his claims to be reinstated in the see of St. Andrews, and adding

* "Nolebat enim ecclesiam Cantuarensem anteferri ecclesiæ Sancti Andreæ de Scotia."

† *Ead. Hist. Nov.*, l. 5, p. 117, 130-135.

‡ *Ang. Sac.* ii. 234, quoted in Hailes's *Annals*, vol. i., p. 66. "He said that nothing would be so conducive to soften the barbarity of the Scots, promote sound doctrine, and establish ecclesiastical discipline, as *a plentiful and hospitable board*."

these remarkable words, which at once place in view the real objects of the dispute—"I entreat you not to believe that I wish to derogate in any way from the liberty or dignity of the Scottish kingdom; since if you still persist in retaining your opinion about your former demands in respect of the King of England, the Archbishop of Canterbury, and the sacerdotal Benediction (an opinion with which I would not then concur, from entertaining ideas which, I have since learnt, were erroneous), you shall find that I will no longer differ from your views, nor will I let these questions separate me from God's service, and from your love, that in all things I may follow out your will."* But it was now too late; Alexander was inexorable; and at the close of the following year A. D. 1123. he appointed Robert Prior of Scone to fill the see, which he persisted in looking upon as vacant by the voluntary resignation of Eadmer.†

The contest thus maintained by Alexander against the pretensions of the English Metropolitans extended to the diocese of Glasgow, in which a bishopric had been re-established by Earl David shortly after the death of Turgot. The earl had appointed his own tutor John to the see; but the bishop-elect, terrified at his unruly flock, and shrinking from the laborious, and perhaps dangerous, undertaking of introducing amongst them the remodelled Roman discipline, fairly fled from the country; though he was subsequently consecrated by Pope Paschal, and sent back to his diocese, where he remained till the return of Thorstein, Archbishop of York, to England.‡ By a judicious line of policy towards the Papal court, and

* *Ead. Hist. Nov.*, l. 6.

† *Sim. Dun. de Gestis* 1124. Four months before his own death, *i.e.*, in December 1123.

‡ *Reg. Glasg. Inquisitio Davidis.*

by the essential services which he contrived to render to the cause of Henry in Normandy, Thorstein had been enabled to triumph over the opposition of Canterbury, and he now summoned the Bishop of Glasgow to acknowledge his canonical dependance
A. D. 1122. upon the see of York, suspending him from his sacred office on his refusal.* John appealed to Rome, but as the archbishop was then in high favour, his cause does not appear to have prospered, and he removed to Jerusalem, where he remained some months with the Patriarch, occasionally exercising his episcopal functions until he was recalled by the
A. D. 1123. Pope and sent back to his diocese; the dispute between the two churches remaining undecided until many years afterwards, when Glasgow was liberated from the claims of York, and declared to be in direct dependance upon the see of Rome.†

Towards the close of his reign Alexander lost his queen Sibylla, a natural daughter of the English king,

* *Ead. Hist. Nov.*, l. 5, p. 124-126. "Romanos in causam suam, quo in quæque negotia pertrahi solent, largitatis officio transtulit," are his words; and on another occasion he says, "literas ab ipso Calixto, more quo cuncta Romæ impetrantur, adeptus fuerat." In short, Eadmer is continually insinuating the venality of the papal court, though of course the practice of corrupting the Roman clergy was strictly confined to the partizans of York, and never extended to the purer clergy of Canterbury. The latter, however, are represented in a very different light in the pages of the Yorkist Stubbs, who does not hesitate to charge them with forgery and the perpetration of every species of dishonesty against the immaculate clergy of York. Henry the First stands out in honourable relief, for when Pope Calixtus pressed him to break his promise to the Archbishop of Canterbury, assuring the king that he would grant him absolution, Henry replied with dignity "that it would be inconsistent with the honour of a king to agree to any such proceeding; for who would put any faith in a promise, if the royal example taught them how easily it could be set aside by absolution."

† *Sim. Dun. de Gestis* 1122, 1123. *Chron. Mel.* 1123. On the 25th of April 1174, Pope Alexander III. declared Glasgow to be "Specialem filiam nostram nullo mediante." *Reg. Glasg.*, No. 32. Hence in after times "the two great grievances of the bishops were being forced to admit to benefices or pensions upon the dictation of the pope, and the liability to be summoned on church cases out of the kingdom." *Vide Preface to Reg. Glasg.*, p. 28.

of whom little is known, and—if the account of a contemporary writer is to be trusted—that little is not to her advantage, for her personal deficiencies were not redeemed by the presence of moral virtues. She died suddenly at Loch Tay, in the course of 1122, and within two years she was followed to the grave by her husband, who expired on the 25th of April 1124, whilst still in the vigour of manhood.* A. D. 1124.

It would be unreasonable to estimate the little that Alexander was enabled to accomplish by the standard of his younger brother's success in following out a similar line of policy. Both brothers endeavoured to assimilate their dominions to the feudal monarchies of the age, and to introduce amongst their clergy the revised system of the Roman Church; but the elder had greater difficulties to contend against, with fewer advantages in his favour. The dismemberment of his kingdom by the separation of Scottish Cumbria must have materially diminished his power; and had not Alexander died without an heir, the impolitic bequest of Edgar might have been fraught with most disastrous consequences to Scotland. The principality of David must inevitably, in course of time, have become dependant upon one of the greater kingdoms by which it was surrounded; it could only have existed by skilfully promoting disunion between its more powerful neighbours; and it is more than probable that it would have eventually been annexed to the greater kingdom, and been held by his descendants as a fief of the English crown. The marked separation existing between the dominions of the two brothers during the lifetime of the elder, is best ascertained by a reference to the charters of

* *Sim. Dun. de Gestis* 1122, 1124. *Fordun*, l. 5, c. 40, 41. *Malm. Gesta Regum*, l. 5, sec. 400.

the period. The dignitaries at the court of Alexander were exclusively, Gaelic Mormaors—Earls of Moray, Fife, Atholl, and Strathearn, and other native magnates of similar origin—the grandsons of the Northumbrian Cospatric, ancestor of the Earls of March and Dunbar; Edward the Constable, the son of Siward Beorn—in short, the nobility of ancient *Alban* and the Lothians; whilst around Earl David gathered Moreville and Somerville, Lindsay and Umphraville, Bruce and Fitz-Alan, Norman names destined to surround the throne of his descendants, two of them to become royal, and all to shed a lustre upon the feudal chivalry of Scotland.*

Alexander may have attempted to enforce, by resolute will, the changes and alterations which were only carried out by David through an union of consummate tact and policy; and it may have been to this part of the king's conduct that Ailred alludes

* *Lib. de Scone*, No. 1. Six earls attest the charter; Heth (written through a clerical error *Beth*) of Moray, Madach of Atholl, Malise of Strathearn, Dufagan of Fife, and Gartnach and Rory, who may be assigned to Angus, Mar, or Buchan. Heth appears to have married the sister of Malsnechtan (for his successor, Angus, is described as the son of Lulach's daughter, *An. Ult.* 1130), and thus to have inherited and transmitted the claims of the line of Kenneth MacDuff. He must have been an inveterate opponent of the reigning family, as his son Malcolm is described by Ailred as "the inheritor of his father's hatred." The real descent of the Stewarts was well known as late as the fourteenth century, when Richard Fitz-Alan, Earl of Arundel in 1336, sold the Stewardship of Scotland to Edward III., a transaction which was confirmed by Edward Balliol (*Tierney's Hist. of Arundel*, vol. i., pp. 193, 299, *notes*). The sale was of course a political fiction, founded on the assumed forfeiture of the Scottish branch of the earl's family, through which their hereditary office was supposed to have reverted to their English connections. The real king and the pseudo-king united in the joint exercise of an act of shadowy sovereignty—a joint protest of their claims as vassal king and overlord of Scotland—the sole substantial gain, the purchase-money, falling to the earl; though, had the Plantagenets succeeded in conquering Scotland, the transaction would have become a reality, and the ancestry of the hereditary Earls Marshal of the present day would have lost their claim to supplant the ancestry of the reigning sovereign. The father of *Alan* was Flahald or *Fleald*, a name which reappears under the familiar form of "*Fleance*, son of Banquo, Thane of Lochaber."

when he describes him as "endeavouring to compass things beyond his power;" for he was evidently of a disposition to frame his policy, rather according to the dictates of his own will, than to his ability to carry it out. He achieved enough, however, to entitle him to be remembered as the first king who essayed to place Scotland on a footing with the feudal states of Western Europe; for Edgar left his kingdom much as he found it—his very bequest of Cumbria, as an absolute property, was totally at variance with the policy of either Saxon or Norman—and the innovations of Margaret were confined to the court and the clergy.* The laws and customs of the Gaelic people remained undisturbed in her days, and her ideas of ecclesiastical reform were widely different from those of Hildebrand, of whose system the church of her native country, at the time she quitted it, was ignorant.

But the grant of the *Cursus Apri* made by Alexander to St. Andrews—a grant which must be regarded, not so much in the light of an original donation, as of a restoration to the church of the lands which had been alienated to the royal family in their capacity of *Cowarbs*, or hereditary abbots of the old monastic establishment—was, unquestionably, the earliest step towards remodelling the Scottish

* The reign of Edgar has been occasionally regarded as the era of a thorough *Saxonizing* of all Scotland, except the Highlands; but with respect to this opinion I can only use the words which Father Innes applies to the laws of Aodh Fin—"De hisce . . . . . *altissimum apud scriptores nostros silentium.*" If *Thane* and *Thanage* are supposed to be, not Saxon *names* applied to Scottish institutions, but actual Saxon institutions introduced beyond the Forth, it should be explained why the Saxon Thane was as totally different a character from the Scottish Thane as *Thane-land* was from a Thanage. The Saxon held by military service—*cnicht*-service, an expression scarcely traceable to Normandy; the Scot by *Scottish* service and rent—in *fee-farm*. Why also is only one Thane traceable in the Lothians, if all the Thanes came from the Saxons? Compare *Appendices N and R.*

church, though the king's intentions were frustrated by his dissensions with Turgot and Eadmer, and he died before the consecration of Robert, Prior of Scone, the last bishop whom he appointed. He was the first king also to introduce beyond the Forth the custom of confirming grants by charter, in place of the outward forms and ceremonies by which, in an earlier state of society, such gifts were invariably accompanied; though upon the occasion of his restitution of the *Cursus Apri* all the ancient formalities were observed. The great feudal office of Constable is also first traceable in this reign, and to the same king may be attributed the earliest introduction of the sheriffdom—for the *Vice-comes* is to be met with in some of his charters. Alexander may therefore be said to have laid the first stone of the social edifice which David raised from the foundation; though many a year was fated to elapse, and more than one generation was destined to pass away, before the system inaugurated by the sons of Malcolm Ceanmore, was effectually established throughout the whole extent of their dominions.

CHAPTER VIII.

David the First . . . 1124–1153.

THE death of Alexander, without heirs, reunited to the Scottish kingdom the appanage of Cumbria, which had been so unwisely severed from it by Edgar; and the last surviving son of Malcolm and Margaret, the rightful heir by ancient Gaelic custom as well as by feudal law, ascended the throne without dispute. An intimate connection with the Court of England for upwards of a quarter of a century, had effectually "rubbed off the Scottish rust" from David, —to use the words of the contemporary Malmesbury, —converting him into a feudal baron; and many years before he was called upon to fill the throne, he had gathered around him in his Cumbrian principality a body of knights and barons, from whom sprung the older Norman chivalry of Scotland. During his residence in the south he married Matilda, the widow of Simon de St. Liz and heiress of Earl Waltheof of Northumberland, a portion of whose vast estates had been conferred upon each of her husbands in succession—St. Liz having been created Earl of Northampton, whilst the Honour of Huntingdon was granted to the Scottish prince; but the great earldom of Northumberland was retained in the Crown, for after the forfeiture of Robert de Mowbray, the English kings were jealous of intrusting that im-

portant province out of their own hands.* The sole offspring of the second marriage of Matilda was an only son, to whom his parents gave the name of Henry, born about ten years before the accession of his father to the throne of Scotland.

David was the first of his family who united the character of an English baron to that of a Scottish king; and in the former capacity he was soon called upon to exercise the political sagacity through which he had reaped the reward of the appanage of Cumbria, which he held during the lifetime of his brother Alexander. Upon the death of Henry the Fifth of Germany, the English king, despairing of any male heir from his second marriage, determined upon adopting as his successor his daughter Alicia, who fifteen years before had been betrothed, whilst a mere child, to the deceased Emperor. The princess, it is said, was reluctant to leave a country in which she had resided since her infancy, and where she still enjoyed vast possessions with the title of Empress; but she had become a necessary instrument for furthering the views of her father, and he turned a deaf ear to the entreaties of the princes of Lombardy and Lorraine, whose desire to retain their Empress interfered with the tenor of his policy. The assistance of the Scottish king was early sought to join in securing the succession to his sister's child, and he passed a whole year in England in concerting measures for this purpose. In the great council of London, to which every baron of note was summoned, David was the first to swear fealty to his niece,—who now, like her mother, had assumed the

* *Chron. Sax.* 1124, calls David Earl of Northamptonshire. If this authority is correct, he must have held that earldom as guardian of the younger St. Liz, who was Earl of Northampton at the date of his death in 1153.

popular name of Matilda—as heiress of the kingdom in which he held the Honour of Huntingdon; and it was by his advice that the unfortunate Robert Curtois was removed from the custody of the bishop of Salisbury, and placed in Bristol Castle under the safer charge of the Earl of Gloucester: for the fears of Henry were at this time directed against Robert A. D. 1226. and his son William, nor did he harbour any suspicion of his frank and jovial nephew, Stephen of Boulogne, upon whom he had heaped honours and dignities in return for his gallant services in war.*

The feudal obligations of his English fief, and his anxiety to promote the interests of the future queen, led to the frequent and prolonged absence of David from his own kingdom at this period of his reign, offering many favourable opportunities for the inveterate enemies of his family to enter once more upon a struggle for the superiority. Heth the contemporary, and possibly the opponent of Alexander, was no longer living, but his hereditary animosity survived in his sons Angus and Malcolm, who availed themselves of one occasion when David was detained in England, about six years after his A. D. 1130. accession, to rise in arms and assert those claims upon the crown of Scotland which they inherited through their mother, the daughter of Lulach.† In the absence of the king, the leader of the royal forces was the Constable, and the safety of the kingdom now depended upon Edward, the first historical personage upon whom the dignity is known to have been conferred, and the son of that Siward Beorn who accompanied the Atheling into Scotland.

* *Malm. Hist. Nov.*, l. 1, sec. 1-3. *Chron. Sax.* 1126-7. The chroniclers of that age call the empress Alicia, oftener than Matilda; perhaps to distinguish her from Stephen's queen.

† *Vide* preceding chapter, p. 184, note.

Edward in this crisis proved himself to be worthy of the trust, and meeting the Moraymen at the entrance of one of the passes into the Lowlands of Forfarshire, overthrew them with a loss of four thousand men at Stickathrow, not far from the northern Esk —Angus the Earl, or as the Irish annalists call him, the king of Moray, being left amongst the dead, though Malcolm the other brother, escaping from the field, prolonged the struggle amidst the recesses of the remoter Highlands, and the contest was not brought to a conclusion until four years later.* The prestige of the Moray Mormaors was still very great throughout the northern and north-western Highlands, and as many of the national party, even though partisans of the reigning family, viewed with jealousy the increasing influence of "foreigners," and the introduction of laws and customs against which they entertained a rooted antipathy, as long as a descendant of Kenneth MacDuff remained at large, claiming to be the representative of one of their ancient line of kings, his standard became a dangerous rallying point both for open enemies and disaffected friends. David, seriously alarmed, besought the assistance of the barons of Yorkshire and Northumberland, who answering to his call with alacrity, the flower of the northern counties speedily assembled at Carlisle under the banner of Walter Espec. The numbers and equipment of these Anglo-Norman auxiliaries, with the rumour of a vast fleet with which the

A. D. 1134.

* *Chron. Sax.*, *Chron. St. Crucis*, *Chron. Mel.*, and *An. Ult.* 1130. *Ord. Vit.*, l. 8, p. 701-3. The Saxon Chronicler declares Angus to have been "all forsworn." The account of Orderic is, as usual, a strange mixture of truth and error. As Heth witnessed the first Dunfermlyn charter in company with Constantine Earl of Fife, who died in 1128, he must have survived David's accession; and it was possibly on the death of the Moray chieftain that his sons broke out into rebellion.

Scottish king intended to prosecute the war to extremity amongst the island fastnesses of the western chieftains, filled the supporters of Malcolm with such dismay, that, in the hope of atoning for their disaffection towards the king by treachery to his unfortunate rival, Mac Heth was surprised by a body of his own partisans, and delivered into the hands of David. He was at once dispatched as a prisoner to the castle of Roxburgh, and David, in the full determination of eradicating every trace of his enemies from the district in which they had so long ruled supreme, declared the whole earldom of Moray forfeited to the Crown, regranting great portions of it to knights of foreign extraction, or to native Scots upon whose fidelity he could depend. The confiscation of their hereditary patrimony struck a death blow at the power of the great Moray family, and more than one Scottish name of note dates its first rise from the ruin of the senior branch of that ancient and far descended race.*

Four more years had barely passed away before David was destined to meet, in hostile array, the very men upon whose assistance he had relied against his formidable adversary Malcolm Mac Heth. Upon the 1st of December 1135, died Henry the First of A. D. 1135. England, bequeathing with his latest breath the whole of his dominions to his daughter the Empress Queen. His spirit had hardly passed away before Stephen, arriving suddenly in England, gained over to his cause Roger, Bishop of Salisbury, the most

* *Ailred de Bel. Stand.* p. 344. *Chron. Mel.* 1134. "Deinde cum cohortibus suis jam triumpho elatis fugientes avidé insecutus est, et Morafiam defensore dominoque vacantem ingressus est, totumque regionis spaciosæ Ducatum, Deo auxiliante nactus est." Such are the expressions of Orderic relating to the course pursued by David after Stickathrow. There is no allusion to Malcolm suffering the usual barbarities inflicted on state prisoners, so it is to be hoped, for David's credit, that he escaped all such tortures.

favoured and confidential friend of Henry, and William du Pont de l'Arche, who was joint keeper, with the Bishop, of the immense wealth accumulated in the coffers of the late king; and as the possession of the royal treasure in those days was the surest means of opening a path to the throne, before the year was ended Stephen was crowned king of England without opposition. The Earl of Gloucester, whose unsuccessful contest for precedency with the new king, when they both swore fealty to Matilda, had strengthened his devotion to the cause of the latter, was still in Normandy with his sister; but of all the other barons and prelates who pledged their faith to support the Empress Queen in her claim upon her father's throne, none proved mindful of his oath save her uncle the king of Scotland.

No sooner had intelligence of the death of Henry reached Scotland, than aware of the necessity for promptitude, David led an army across the frontier, and at the very moment of Stephen's coronation in London, the Scottish king was receiving the allegiance of the northern barons in behalf of his royal niece. Carlisle and Norham, Werk, Alnwick, and Newcastle, in short all the border fortresses beyond the Tyne, with the exception of Bamborough, opened their gates at his appearance, and he had advanced far into the territory of St. Cuthbert, upon his route to Durham, when he was anticipated by the approach
A.D. 1136. of a numerous army under Stephen. No time could have been lost by that prince in collecting his forces, as upon the 5th of February, little more than six weeks after his coronation, he marched into Durham. David retired upon Newcastle, and the two kings remained in a hostile attitude for another fortnight before a conference was arranged, at which conditions

of peace were finally agreed upon. The Scottish king, still true to his oath, refused to hold any fiefs of Stephen; but Carlisle and Doncaster were conferred upon his son Henry, in addition to the Honour of Huntingdon, with a promise that the claims of the prince upon Northumberland, in right of his maternal ancestry, should be taken into consideration if the English king ever regranted that earldom. Peace was concluded upon these terms; all the castles surrendered to David were restored with the exception of Carlisle; and Henry, after performing homage at York for his English fiefs, accompanied Stephen upon his return to the south.*

Advancing years, and a disposition naturally pliant and easy, are the reasons assigned by a contemporary historian for the acquiescence of David in the usurpation of Stephen; but however willing he might have been to support the cause of his niece Matilda, he must naturally have shrunk from sustaining the whole weight of a contest, in which he alone was in arms in her behalf. Nor must it be forgotten, that the wife of Stephen was equally a daughter of one of David's sisters; and however the approach of age may have increased his aversion to war, it had hardly yet diminished his characteristic sagacity, as

* *John and Rich. Hexham* 1136. *Hen. Hunt*, l. 8, p. 222. *Malm. Hist. Nov.*, l. 1, sec. 12. Lingard has no authority for saying that "David claimed Cumberland as having formerly belonged to the heir-apparent of the Scottish kings," c. 11, note 13. There is no allusion to any claim except upon Northumberland (in right of his wife), and this was waived at the time for the fiefs of Carlisle and Doncaster. Strictly speaking, the Scottish royal family never appear to have held the *Earldom*—or rather perhaps *Comitatus*—but the *Honour* of Huntingdon. A grant of the "*tertius denarius de placitis*," seems generally to have entitled its holder to the earldom at this period, whilst the holder of an honour was "overlord"—or constable—of a number of knights and barons; for all the tenants of an honour held by military service, and with manorial rights. It was in the power of the king, however, to grant the dignity of an earl, or attach the dignity to any fief, without reference to the "tertius denarius." *Vide Appendix L*, pt. 2.

he was undoubtedly a gainer by the conditions of the peace.*

The event, as it proved, frustrated the intentions of both parties. Stephen, when he held his court in London at Easter, assigned the place of honour, upon his right hand, to his guest the Scottish prince; an arrangement which so excited the jealousy of some of the English barons, more especially of the Archbishop of Canterbury, and of Ranulf Earl of Chester—the latter of whom had claims upon Carlisle and Cumberland—that, after openly expressing their discontent in the presence of Henry, they left the court in a body. Incensed at this unprovoked insult to his son, David recalled him from England; and though Henry was repeatedly summoned by Stephen to perform his feudal obligations, he was not permitted by his father to return to the south.†

A. D. 1137. The absence of Stephen in Normandy, in the following year, afforded David a favourable opportunity of avenging the indignity offered to his son, and of forwarding, at the same time, the interests of his niece Matilda. Already an army was collected to cross the Borders, and the barons of the north of England were assembled at Newcastle to repel the invasion, when Thorstein, the aged archbishop of York, by his inter-

* *Malm. Hist. Nov.*, l. 1, sec. 13. There is some uncertainty about David's age, and Lord Hailes, a little rashly, finds fault with Malmesbury for writing about "the approach of age." But as David *survived* Malmesbury, the latter would hardly have written what was not true, in such a trifling point, about one who was then living. Neither Alexander nor David appear to have taken any prominent part in the events immediately occurring after the death of their father; but David was old enough to assist his brother Edgar in 1097 by his *astutia* (*Gesta Regum*, sec 400). Forty years later he must have been nearer sixty than fifty.

† *John and Rich. Hexham* 1136. Ranulph was the son and heir of Ranulph le Meschines, who obtained a grant of Cumberland, probably about the time when Rufus restored Carlisle. John of Hexham, under 1150, says, "Remisit indignationem quæ Karleol sub *patrimoniali* jure reposcere consueverat."

cession with both parties, obtained a promise from the Scottish king to abstain from hostilities until Advent, by which time it was expected that Stephen would have returned from the Continent. Shortly before Christmas, therefore, a Scottish embassy arrived at the English court, charged to declare the truce at an end unless Prince Henry was placed in immediate possession of Northumberland; and as this abrupt demand for the earldom was all but tantamount to a declaration of war, Stephen, who had just concluded a peace for two years with Geoffrey of Anjou, and was consequently in a position to concentrate all his energies upon establishing his power at home, at once declined to listen to the proposal; and his refusal to comply with the conditions of David led to an immediate rupture with Scotland.*

Upon the 10th of January 1138 the advance guard of the Scottish army, under the command of William Fitz-Duncan the king's nephew, crossed the Borders, and attempted to surprise Werk Castle before daylight; but, failing in their object, they wasted the surrounding country until the arrival of the main body under David and his son Henry, when a regular siege was commenced with all the engineering appliances of the age. The castle was the property of Walter Espec, and so gallantly was it defended by his nephew, Jordan de Bussy, that, before long, the king, converting the siege into a blockade, marched with the remainder of his army to effect a junction with William Fitz-Duncan, whom he had already dispatched to lay waste the remainder of Northumberland; and once more the northern counties endured a repetition of the scenes of horror enacted, nearly seventy years before, in the early days of the A. D. 1138.

* *John and Rich. Hexham* 1137. *Malm. Hist. Nov.*, l. 1, sec. 17.

Conqueror. David, who had been long preparing for war, had gathered his army from every quarter of his dominions; and around the royal standard, the ancient Dragon of Wessex, might be seen the representatives of nearly every race contributing to form the varied ancestry of the modern Scottish people. The Norman knight and the Low Country "Reiter," the sturdy Angle and the fiery Scot, marched side by side with the men of Northumberland and Cumberland, of Lothian and of Teviotdale; whilst the mixed population of the distant islands, Norwegians from the Orkneys, and the wild Picts of Galloway, flocked in crowds to the banner of their king, to revel in the plunder of the south.* The Galwegians, an unruly host of tributary allies rather than of subjects, claimed to march in the van, and a piteous account of their ravages, and enormities, has been left on record by the contemporary chroniclers of Hexham. It was only by a great exertion of authority, that William Fitz-Duncan was enabled to save that priory from the destruction with which it was menaced by a body of exasperated clansmen, whose chieftain had fallen in an affray with some retainers of the monastery; and to prevent the possibility of such a sacrilege, David quartered a body of Scots within its walls, whilst he granted to the community his own share of the plunder, in reparation for the injuries they had sustained from his undisciplined and semi-barbarous followers.

The approach of Stephen's army, early in February, warned the Scottish leaders that it was time to

* The *Germans* of Richard of Hexham were probably mercenaries from the Low Countries, whose services were then, and long afterwards, at the disposal of the highest bidder. They were generally known as *Reiters;* and these free companies probably supplied many of the *Flandrenses* and *Flamingi* of the Scottish charters.

collect their scattered forces either for battle or retreat; but David, who was in secret correspondence with many of Stephen's barons, entertained the hope of finishing the war by a stratagem, without the hazard of a contest. All of the wretched country-people who had escaped the slaughter—and they were principally women—were either bartered for cattle on the spot, or driven northward with the prospect of a hopeless captivity; whilst the main body of the Scottish army withdrew to a small morass in the neighbourhood of Roxburgh, inaccessible except to the few who possessed an intimate knowledge of the locality. The burghers of the town were instructed to throw open their gates, and admit the English army without resistance; as it was David's intention to enter with his followers in the dead of night, and surprise Stephen in his fancied security, calculating, that by the capture of the English king and his principal adherents, the war would be brought to a successful conclusion; the accession of the empress secured; and his own claims upon Northumberland readily acknowledged by his grateful niece.

But though in the multitude of counsellors there may be wisdom, in the multitude of confidants there is little chance of secrecy; and through some unknown channel Stephen became aware of his enemy's intentions. Avoiding Roxburgh, he retaliated upon other Scottish districts the injuries which had been inflicted on the north of England; but as he began to entertain suspicions of the fidelity of certain barons, and his army was weakened, as well by the want of provisions as by the religious scruples—either real or pretended—of several of his followers who objected to bearing arms in Lent, he soon retraced his steps

towards the south, first possessing himself of Bamborough on his passage through Northumberland, and placing in it a garrison on which he could depend. The castle belonged to Eustace Fitz-John, a powerful baron, of whose fidelity the king was so mistrustful, that, contrary to all feudal precedent, he caused his person to be seized whilst in actual attendance at court upon a summons of military service; and Eustace was not restored to liberty until he yielded up to Stephen the key-stone of his power in the north, long famous as the ancient residence of the royal race of Ida, and the strongest fortress in Northumberland.*

The conclusion of the Easter festival set at liberty the scrupulous chivalry of the age, to enter with renewed zest upon the pursuits of war; and David was fast approaching Durham, when a mutiny amongst the unruly Galwegians threatened both the life of the king, and the safety of his army. A report, judiciously fabricated for the occasion, that the enemy was approaching, restored order for the moment; the mutineers flew to arms to repel the foe, and David at once leading them to Norham, employed them, with the rest of his army, in besieging the castle. The garrison surrendered after a short resistance, and it affords a curious instance of the impregnability of the fortresses of that age against the limited means of offence available to besieging armies, that it was accounted a disgraceful occurrence when nine men-at-arms, all of whom were inexperienced, and the majority suffering from wounds, hopeless of relief from their lord the Bishop of Durham, yielded

* In curiâ contra patrium morem captus," are the words of *Ailred*, p. 343. Eustace appears to have been in the actual performance of the services by which he held the fief; and in strict feudal justice he ought not to have been deprived of the fief until he had failed to render such service.

a well victualled castle to the whole force of Scotland! An offer was made to restore Norham to the bishop, if he would consent to hold it as a fief from the Scottish king; but as the proposed terms were declined, it was immediately reduced to ashes.

The success at Norham was counterbalanced by a sally from Werk, in which the indefatigable castellan of that fortress overthrew a body of knights and men-at-arms, capturing several of the party, whom he put to ransom, and carrying off a convoy of provisions intended for the army of the Scots, which by this daring feat he once more drew around his walls. Again the siege of Werk was converted into a blockade when David marched to join the force, collected by the exasperated Eustace Fitz-John, in an attempt to recover Bamborough; but though the burghers of that place were driven, with considerable loss, from an outwork in front of the castle, no permanent impression was made upon the fortress itself, and it was useless to attempt a blockade without the assistance, and co-operation, of a fleet.

Whilst the king was engaged before the castles of Norham and Werk, the intractable division under William Fitz-Duncan, of little use in a regular siege, had been dispatched to the more congenial occupation of harrying Craven, and the adjoining districts of the shires of York and Lancaster. The inhabitants assembled to resist the invaders, and upon the 10th of June took post in four divisions at Clitheroe on the Ribble; but their courage failing at the sight of the enemy, they broke and fled at the first onset. As this was the first occasion upon which the hostile parties had met in arms in the open field, the result increased the audacity of the victors, who, spreading over the face of the country, plundered and wasted

it on every side, surpassing if possible their former excesses; but laying the foundation of future retribution in the very extent to which they carried their ravages.

Hitherto the barons of Yorkshire had looked upon the distant warfare with lukewarm indifference, each mistrusting his neighbour, and hardly knowing whether to oppose the Scots, as became the trusty partizans of King Stephen, or to support them as loyal subjects of the Empress Queen, whose standard was already raised by Robert of Gloucester, and her other friends, in the south and west. But when the war was now fast approaching their own neighbourhood, when their own lands were about to be plundered and their own vassals to be put to the sword, it was time to shake off their apathy, and out of the very excesses of the foe arose their strongest bond of union. Archbishop Thorstein preached a holy war; and through every parish, priests bore the relics of the saints, with all the imposing paraphernalia of the Roman Catholic religion, proclaiming it to be the duty of every Christian man to rise in defence of the church against barbarians, hateful alike to God and man. Ilbert de Lacy and Robert de Bruce, the youthful William Albemarle and the aged Walter de Ghent, summoned their followers to meet at Thirsk; and even Robert de Mowbray, then a mere child, appeared in armour at the head of his vassals to animate the courage of the numerous retainers of his house. To the same place of meeting hurried William Percy and William Fossard, Richard de Courcy and Robert d' Estoteville; the knights of Nottinghamshire under William Peveril, and the chivalry of Derbyshire under Robert Ferrers: whilst Stephen, too much occupied to leave the south of

England, dispatched a chosen body of knights, under Bernard de Balliol, to join the flower of the midland and northern chivalry in repelling the inroads of the Scottish foe. Walter Espec, a baron of vast possessions, whose age and experience, united to a gigantic stature and a ready eloquence, marked him out as a leader fit to inspire confidence and exact obedience, reminded the confederate nobles of the glories of their ancestry, and pointed out to their retainers that the enemy was little better than an unarmed mob.* Ralph, the titular bishop of the Orkneys, was commissioned, in the place of the aged and infirm Thorstein, to grant a general absolution to the army, which, strengthened by the consolations of the ministers of religion, and encouraged by the exhortations of military experience, viewed the impending contest in the light of a holy war, and prepared with alacrity for battle.

After waiting in the neighbourhood of Bamborough until the arrival of some expected reinforcements from Carlisle, Cumberland, and Galloway, David moved southward to effect a junction with William Fitz-Duncan. Their forces, when united, amounted to twenty-six thousand men, and as most of the historians of the period represent this army as "innumerable," it affords some clue for estimating what was in those days looked upon as a countless host. David was well aware of the character of the army against which he was advancing, and with the concurrence of his most experienced officers, he

* The speech which Ailred has attributed to Walter Espec is valuable on account of many historical allusions which it contains; but it is not to be supposed that on such an occasion the speaker would stop to weigh his words, especially as it was his object to raise the courage of his own men by depreciating the Scots. Strict historical accuracy is hardly to be expected at such a time, even if we are to regard such speeches as real, and not the composition of the chronicler himself.

determined upon opposing his own knights and men-at-arms to the mailed chivalry of England; rightly calculating, that, if he once broke through the rival phalanx, his light armed irregulars, of little real use in the first onset, would easily complete the victory. But the native warriors of Alban, elated with the victory at Clitheroe, and vainly imagining that the flower of England's knights and men-at-arms would fly before their impetuous charge, like the undisciplined peasantry and townsmen of the district, loudly exclaimed against such tactics. "Of what use were their breastplates and their helmets at Clitheroe?" exclaimed the Scots. "Why trust you to these Normans?" added Malise Earl of Strathearn, when David still remained unmoved; "unprotected as I am, none shall be more forward in the fight." "A great boast," retorted Alan Percy, "which for your life you cannot make good." Alarmed at the probable consequences of dissension at such a moment, David reluctantly yielded the point in dispute, and the post of honour in the approaching conflict was assigned to the men of Galloway.

One course yet held out a fair hope of success—a surprise—and David determined to make the attempt.* He ranged his army in four divisions, the Galwegians marching in the van, with all who claimed to share with them the honour of the first attack. The contingent from Cumberland and Teviotdale composed the second division, with the knights, archers, and men-at-arms under Prince Henry and Eustace Fitz-John, by whom the battle ought to have been commenced. Then followed the men of the Lothians, Lennox† and the Isles; whilst the king

* The continuator of Florence of Worcester relates this fact.

† *Lavernani.* The district known as the Lennox, or *Levenach*, was called

in person brought up the rear with the Scots and Moraymen, and his own body-guard of English and Norman knights.

The morning of Monday the 22d of August favoured the design of the Scots. A dense fog hung over the country, and under cover of the mist the Scottish host rapidly advanced in unwonted order; for the commands of David were rigorous in prohibiting his men from firing the villages along their route, according to their usual practice. They had reached the Tees, and were already crossing, when they were accidentally discovered by an esquire, who galloped back to Thirsk, to warn the confederate barons of the rapid approach of the hostile army.* In the hope of yet averting the contest, perhaps also to gain time, Robert de Bruce and Bernard de Balliol, —names singularly associated as the emissaries of an English army to a Scottish king,—rode forward to hazard a last appeal, pledging themselves, in the joint name of the confederates, to obtain for Prince Henry the grant of Northumberland. Bruce, in particular, warned the king of the danger he was about to incur, in entering into a contest with the very men upon whose aid he most relied, for curbing the refractory Galwegians, or for repressing his own disaffected subjects; whilst, with tears in his eyes, he besought him to be mindful of his ancient friendship, and by accepting the conditions of peace, to put a stop to the frightful enormities of his followers. The easy and kindly nature of David was fast yielding to the

so from the river Leven, and from the lake which was originally named *Loch Leven*, and afterwards (from its principal mountain) *Loch Lomond*. *Lavernani* is evidently a clerical error for *Levenani;* as *Linenath* in the Fœdera is a mistake for *Levenach*.

* The meeting between the king and the two barons took place immediately before the battle, according to Ailred. John of Hexham writes that they met on the Tees, which David crossed a few hours before the commencement of the engagement.

entreaties of Bruce, who had been his friend from childhood, when William Fitz-Duncan, a man of high spirit and the chief promoter of the war, angrily interposed, and reproaching the latter with a breach of fealty to his lord, prevailed upon his uncle to break off the conference; on which the two barons, formally renouncing their allegiance to the Scottish king, turned their horses heads and rode back to share the fortunes of the confederate army.

The delay was fatal to the attempted surprise; for it gave time to the army of the barons to clear the town of Northallerton, and to take up a favourable position, two miles further to the northward, upon Cutton Moor. A ship's mast, bearing upon its summit the consecrated host, and surrounded by the banners of St. Peter of York, St. John of Beverley, and St. Wilfred of Ripon, was elevated upon a waggon, and marked the centre of the army, around which were grouped dismounted knights and men-at-arms; whilst from the immediate neighbourhood of the sacred standard, Bishop Ralph and his priests dispensed blessings, and absolution, throughout the host. The front of the position was covered by a line of archers, with a body of men-at-arms in support; all the horses were then removed to the rear under the charge of a mounted guard; and the remainder of the English forces—townsmen, apparently, and the array of the county—were ranged around the real strength of the army in the centre.*

Levelling their spears, long the national weapon of the Scottish infantry, and with wild cries of Albanach! Albanach! the ancient *slogan* of the warriors

* Such appears to be the meaning of Ailred's description of the English position. The monkish chroniclers are seldom very clear in their accounts of battles. The species of standard used in this battle was well known in the Italian wars.

of the north, the first division of the assailants rushed to the charge; and such was the impetuosity of their onset, that the front ranks of the English reeled beneath the shock, and were borne back in confusion upon the dismounted knights around the standard. But then came to pass all that David had anticipated, and the unprotected lines of Scottish spearmen recoiled, and were dashed back like breakers from off a reef, before the steady discipline of that animated wall of iron. Broken, but not discouraged, they cast aside their fractured and useless lances, and, with drawn swords, once more flung themselves, with reckless valour, upon the foe: but the front ranks of the English had now rallied, and, from behind their dismounted comrades, the archers poured in a storm of arrows, those fatal Norman weapons which won so many a field for England in the days of old. Unsheltered from the shower of missiles by any defensive armour, rank after rank of the assailants went down before the English bowmen, the best and bravest of their leaders falling in fruitless efforts to penetrate the fatal line; and already the attack was slackening, when Prince Henry brought his mounted division into the battle, and the Norman chivalry of Scotland, with the disciplined retainers of Eustace Fitz-John, bore down with levelled lances to the charge. His success was complete. That part of the English army which sustained the shock, was ridden down and swept from the field; and the prince, elated with his easy triumph, and imagining that the whole Scottish army was pressing on in support, wheeled round in the rear of the English position to complete a victory not yet achieved, and charging the mounted guard left to protect the horses, broke and pursued them for

many miles. His error was fatal; for the critical moment of the day had arrived, and the English were rapidly giving way, none holding their ground except the veteran phalanx in the centre, when suddenly a gory head was raised aloft, and the voice of one who was never subsequently recognized, loudly proclaimed that the king of Scotland was slain. More than once has such a cry turned the fortune of the day against a brave, but undisciplined, army. Upon the field of Assingdon it won the realm of England for Canute; at Hastings it all but wrested the same prize from the Norman William, though he led the flower of Europe to the field; and it decided the day upon Cutton Moor in favour of the confederate army. No longer pressed by the division of Prince Henry, the English rallied at the cry; and the Galwegians, who for two hours had prolonged their attack with desperate and unflinching courage, until the last of their chieftains fell beneath an English arrow, panic stricken at their loss, turned and fled the field; whilst the confederates, promptly taking advantage of the confusion, advanced at once to the charge. The Saxons of the Lothians broke at the first onset; and though David, leaping from his horse, and placing himself at the head of the reserve, bravely endeavoured to stem the advance of the enemy, the Scots wavered and were carried away in the rout; whilst the king, maddened at the thought of defeat, refused to fly until he was forced off the field by his own body-guard. High above his head still fluttered the ancient Dragon of Wessex, contradicting the report of his death, and numbers who had been swept away in the first confusion of the flight, disengaging themselves from the crowd of fugitives, and rallying around the banner of their

king, presented a formidable front to the advancing foe. The foremost of the pursuers were either cut down or captured, and the rest soon gave up following the Scottish army, which, without further molestation, retreated in perfect order to Carlisle.*

The losses of the Scots upon this memorable occasion were estimated at ten thousand men, a number probably exaggerated, together with all the plunder they had accumulated, the place where it was captured being long remembered as Baggage Moor. More perished in the flight than in the battle—and such was generally the case—for not only were the fugitives massacred by the exasperated peasantry, but whenever they came into contact with each other, Angles, Scots, and Picts of Galloway fought with all the animosity of mutual hatred. The victors, deprived of their horses by Prince Henry's charge, could make no attempt at following up their success: so, separating with mutual congratulations, they dispatched intelligence of their victory to Stephen, who, in acknowledgment of their important services, raised two of their number to the dignity of earls; Robert Ferrers obtaining the Earldom of

* Compare *John and Rich. Hexham* 1138. *Ail. de bel. Stand. Flor. Vigorn. Contin.* 1138. *Hen. Hunt.*, l. 8, p. 222. In the description of the battle I have principally followed Ailred. A comparison between the Priors of Hexham and the Continuator of Florence, will show the difference between the chronicler who lived in the neighbourhood of the scenes he describes, and he who, a tenant of a distant monastery, probably relied upon hearsay evidence. The battle of Northallerton was naturally a disagreeable subject for the Scottish chroniclers. Wynton, with characteristic honesty, says "the Scottis ware discomfyt and mony . . . in depe lowchys drownyd was." Fordun, Major, and Buchanan, divide the battle into two, perhaps from some confusion with the fight at Clitheroe. At the battle of Northallerton the English are routed; but in the following year the Scots, through despising their enemy, who are in great numbers, receive a check at the Standard. Boece, with a soul above such half-measures, stoutly claims a victory, ransoming the English leader, *the Duke of Gloucester*, at an enormous sum! *Ford.*, l. 5, c. 42. *Maj.*, l. 3, c. 11. *Buch.* l. 7. *Boece*, bk. 12, c. 17.

Derbyshire, whilst that of Yorkshire was conferred upon William Albemarle.

The battle of Northallerton, long famous under the name of the battle of the Standard, adds but another to the many bitter proofs, that an army without discipline is simply a disorderly mob. The discordant elements of the Scottish nation were naturally averse to coalesce; whilst the custom of "Scottish service," which bound every man to attend "the hosting across the frontier,"* swelled the ranks of the army with a body of men, fierce and warlike indeed, and endued with that self-willed and reckless

* By old, and probably universal, custom, every freeman was bound to attend the "hosting across the frontier" once every year in arms. By Charlemagne's law, all holders of benefices were bound by their tenure of military service to come, and all *Frank-allodial* proprietors of three, four, or five *mansi* (or *hydes*); every proprietor of an amount less than three *mansi* combining with others, so that the lowest on the list, the proprietor of half a *mansus*, in conjunction with *five* others (*i. e.*, making up *three mansi*) equipped one of their number for the army. The equivalents of this latter class amongst the English seem to have formed the *gemeinred* or yeomanry. A less numerous, but a better armed, and probably a more orderly body of men, would be furnished by the Imperial law than by the older custom, which was preserved in Scotland under the name of *Scotticanum servitium*, sometimes known as *forinsecum servitium* (*Reg. Morav. Cart. Orig.* 13), the *Sluagh* or "hosting beyond the frontier." The muster of the Highland clan in later times, including "Native men" as well as "Duine Uasal," answered to the old *Sluagh*. The expressions *Inware*, and *Utware*, are sometimes used, the former answering, apparently, to the Welsh "Llwyd yn Wlad," or hosting *within* the borders; the latter to the "Llwyd yn Orwlad," or hosting *beyond* the borders. It may be gathered from *Reg. Morav. Cart. Orig.* 17, that "Scottish service" was rendered on foot and without defensive armour. "Non habemus jus habendi aliquod servitium de domino Willelmo de Moravia nisi *forinsecum servitium Scotticanum* domini regis . . . . . et securum ac auxilium quod nobis in defensione regni per potenciam suam *armigerorum et equorum et armorum* fecit ex libera voluntate sua." The Thane of Tullibardine had assisted his lord, the Earl of Strathearn, with men-at-arms, horses, and armour, which he was not bound to do in return for his Thanedom, held by Scottish service alone. The arms required for Scottish service were probably those with which the Clans Hay and Qwhele fought on the North Inch (*Reg. Morav.*, p. 382), bows, axes, swords, and daggers, with the addition of the long Scottish spear. The arms of the native Irish in the days of Cambrensis appear to have been a spear, two javelins (resembling the old German *framea*), and a formidable battle-axe introduced by the Northmen. They gloried in fighting without defensive armour, like Earl Malise.

courage which has on more than one occasion been their bane, but often indifferently armed, and as undisciplined as they were unruly. David, brought up amongst the Norman chivalry of the court of England, was well aware of the military character both of his own followers and of his opponents, and framed his plan of attack accordingly, the result of Prince Henry's charge fully justifying his original decision; and when the fear of a mutiny at a most critical moment forced him to yield his better judgment, he rightly determined upon the sole course left open—a surprise. But in allowing Bruce and Balliol to gain time by parlying, thus confirming the character ascribed to him by Malmesbury, he committed a serious and fatal error, sacrificing every advantage he had already obtained, and enabling the confederates to clear the town of Northallerton, and receive the shock of his disorderly host in a favourable and well-chosen position, that ensured victory to the defending army.

Upon the third day after the arrival of the Scottish army at Carlisle, the anxiety of the king about his son was set at rest by the safe arrival of the prince. Henry, upon his return from his second charge, instead of meeting, as he had expected, with a victorious army, beheld the royal standard slowly retiring in the distance, and at once comprehending the catastrophe, arranged with his companions to mingle with the pursuers and endeavour if possible to rejoin the king. In order to prevent recognition, they agreed to disperse in different directions, first divesting themselves of everything that could betray their real character; so that out of two hundred knights originally in attendance upon the prince, only nineteen entered Carlisle in armour. Other fugitives reached the same place by degrees, and

the king busied himself in restoring discipline, and in punishing with severity all whom he deemed guilty of misconduct or defection. Heavy fines were levied upon the delinquents, who were also bound by oaths and hostages never again to desert the royal person in battle, and when order was in some measure restored, David once more led his army to the investment of Werk.*

He was still prosecuting the siege when he was informed of the approach of the Papal legate Alberic Bishop of Ostia, and hastened to meet him at Carlisle, with the clergy and nobility of his dominions.

A. D. 1130. Eight years previously, upon the death of Honorius the Second, sixteen cardinals had declared for Innocent the Second, whilst the majority elected Peter of Leon under the name of Anacletus, who through the wealth of his father, a converted Jew, was enabled successfully to establish himself in Rome. Two princes alone adhered to the antipope, his own brother-in-law Roger Count of Sicily, who by this course converted his coronet into a crown, and David of Scotland, the reasons for whose conduct are not so easily apparent. Upon the death of Anacletus, which occurred in the beginning of this year, an attempt to continue the schism by electing another rival to Innocent, who took the name of Victor the Fourth, was rendered abortive by the speedy resignation of the ephemeral pope; Innocent returned without opposition to Rome, and it was principally to notify the extinction of the schism, that Alberic was dispatched as legate to the kings of England and Scotland.

A. D. 1138. He arrived at Carlisle four days before Michaelmas, bringing with him the Scottish chancellor Wil-

* *J. and R. Hexham. Ailred,* as above.

liam Comyn, whom he had ransomed from his captors at Northallerton, and everything was satisfactorily arranged during the three following days. Eardulf was admitted to the see of Carlisle, and John was recalled to Glasgow from the monastery of Tiron, in which that determined absentee had taken refuge from the troublesome duties of his diocese;* whilst reparation was made by David, even before it was demanded, for the injuries sustained by the Priory of Hexham from an unauthorised foray of a party of the Scottish army,† and the wildest tribes promised to set their captives at liberty, and to abstain henceforth from indiscriminate slaughter. Still the benevolent Alberic was oppressed with anxiety, for during his progress through the north he had been an eye-witness of the frightful consequences of the ravages of the hostile armies. All Northumberland was a desert, no attempt was made at cultivation, nor was an inhabitant to be met with along the route which he had traversed. The barons with their retainers were shut up in their castles, the peasantry and their families crowded the monasteries, or lurked in the wildest and most inaccessible retreats. The good bishop, dreading a recurrence of such horrors, and feeling that his sacred office imposed more than the mere formal duties of his legateship, besought the king to accept of his mediation with Stephen, and thus to put an end to the miseries of the war. Long was David inexorable, until the representative of the haughtiest prelate of Christendom, kneeling

* The Bishop of Glasgow was not present at the dedication of his own Cathedral Church on 17th July 1136. *Vide Reg. Glasg.*, ch. 3, in which his name does not occur.

† Edgar, a natural son of Earl Cospatric, and Robert and Uchtred, sons of Maldred, were the offenders on this occasion—all Saxon names, and from the Lothians apparently, so that for once at any rate those scapegoats, the Picts of Galloway, may be acquitted from blame.

before the king of Scotland as a humble suppliant for "peace upon earth," prevailed so far that a truce was arranged to last until St. Martin's day, from the benefit of which the garrison of Werk was alone to be excepted; and Alberic, departing from Carlisle upon Michaelmas day, retraced his steps towards the court of Stephen, in the true character of a Christian bishop, as the bearer of a message of peace.*

The castle of Werk still held out, though David, having ascertained that its defenders were short of provisions, continued to press the siege with unabated rigour. But Jordan de Bussy was indomitable. The horses of the garrison yet survived, and he was determined that they should be sacrificed one by one to enable their masters to continue their stubborn resistance, proposing, when this last resource failed, to make a desperate sally in the all but hopeless attempt to cut his way through the besieging army. From this last alternative he was saved, for when his stock of provisions was reduced to two horses, one alive and the other *in salt*, the abbot of Rievaulx arrived, with the commands of Walter Espec to surrender the castle; and David, in a spirit of knightly courtesy that does him credit, provided this gallant little garrison, twenty-four in number, with fresh horses, and permitted them to depart with their arms, and all the honours of war.†

Much about the same time arrangements were concluded for the settlement of a firm and lasting peace between the two kings. Alberic had not been unmindful of his mission of peace, and, after the conclusion of the council of London, he pressed upon

* *J. and R. Hexham* 1138. The 10th and 11th November, and 3d March, are all festivals of St. Martin. The truce probably extended to the latest date, for Alberic did not bring the subject before Stephen until Christmas, *after* the other dates.

† *J. and R. Hexham* 1138.

Stephen the necessity of putting a stop to the horrors of the northern war. At first the English king showed as decided an aversion to conclude a peace as his antagonist, and his exasperation was encouraged by a numerous party amongst his barons, who burned to avenge themselves for their losses. But Alberic soon found that he possessed an ally whose influence more than counterbalanced that of the war party, in Matilda the queen of Stephen, who was warmly attached to her uncle and cousin, and most anxious to promote a friendly feeling between her Scottish kinsmen and her husband. She joined her entreaties to those of the legate, who, rightly appreciating the value of such support, hesitated not to return to Rome long before the truce expired, in the full conviction that his benevolent object was attained.* Nor were his anticipations destined to be falsified, and as Stephen left the whole conduct of the negotiation in A. D. 1139. the hands of his queen, in the following April she repaired to Durham for the purpose of meeting her cousin Henry. Neither of the kings were present upon this occasion,—indeed they never appear to have met,—but the conditions of the peace had been already settled, and it had been decided that Henry was to receive investiture of Northumberland in addition to his other fiefs, the barons of the shire holding of the Scottish prince, saving their fidelity to Stephen. The English king, however, continued to retain Newcastle and Bamborough in his own possession, for which an equivalent was to be provided in the south of England—Henry on his side guaranteeing to preserve unaltered throughout his new fiefs, "the laws and customs" of the late king Henry, and to respect the

* *J. and R. Hexham* 1138. "Fœminca calliditate atque protervitate instante," are the words of Prior Richard.

rights of the Archbishop of York and of the Bishop of Durham. The barons of Northumberland then swore fealty to their new Earl, who, delivering up the sons of five of the principal nobles of Scotland as hostages for the due performance of his part of the agreement, accompanied the queen upon her return to the south, when the treaty was confirmed by Stephen at Nottingham.*

During the whole of the following summer Henry remained in England, sedulously courting popularity by his lavish munificence and gallant bearing—qualities so acceptable to the Norman chivalry of the age. He accompanied Stephen to the siege of Ludlow Castle, narrowly escaping capture on this occasion; for, on approaching too closely to the walls, he was unhorsed by a hook suddenly launched from the battlements, owing his rescue solely to the prompt and daring gallantry of the king. In the course of the same year he was united to Ada de Warenne, the youngest daughter of the great earl of that name; and as the bride's family were staunch adherents of the cause of Stephen, and the Scottish prince, bound by no ties to the empress, was probably far more attached to the amiable character of Queen Matilda —whose influence seems traceable in the marriage— than to her haughty and imperious cousin, the arrival of the latter in England with the Earl of Gloucester, appears to have produced no interruption of cordiality between Henry and the English king. He was again present with his countess at the English court in the

* *J. and R. Hexham* 1139. The hostages were the sons of Earls Cospatric and Fergus, of Hugh de Moreville and of *Mac.* and *Mel.* (supposed to mean Macduff of Fife and Malise of Strathearn), whom Prior Richard calls five earls of Scotland. Moreville was hardly an earl, though he was probably amongst those greater barons who had "the freedom and custom of an earl." *Assize Dav.* 16.

following year, in spite of the civil war then raging, barely escaping, on his return to Scotland, the machinations of his ancient enemy the Earl of Chester, the grant of Carlisle being once more the cause of their quarrel. Ranulph, tempted by the prevailing anarchy, had planned the seizure of Henry and the Countess Ada, counting probably upon extorting, as their ransom, a surrender of the coveted fief; but the queen, anticipating his design, warned Stephen of the danger, who, in accordance with her suggestions, escorted his guests in person to the north, thus frustrating the intentions of Ranulph, but, by so doing, drawing upon himself the hatred of that fickle and revengeful baron.* A. D. 1140.

After the defeat and capture of Stephen at Lincoln, David, who had hitherto refrained from espousing the cause of either candidate for the throne of England, hastened to join the empress, leaving his chancellor, William Comyn, at Durham, with instructions to hold that important bishopric in her name. He arrived in time to accompany his niece upon her entry into London, his presence confirming the fidelity of many of the leading barons, but failing to inspire Matilda with any portion of his own sagacity, and her arrogant and imperious behaviour soon alienated the affections of her new subjects. Driven out of London by the hostility of the citizens, her personal antipathy to the imprisoned king next caused a rupture with his brother, the influential Bishop of Winchester, who turned a willing ear to the entreaties of A. D. 1141.

* *Hen. Hust.*, l. 8, p. 223. *J. Hexham* 1141. All the occurrences in John of Hexham after 1140 are misdated one year, owing to the insertion of the passage "Anno MCXLI. Calixtus Papa concilium Remis instituit xiii. Kal Nov." This council was held in 1119. Thorstein, whose death is placed in 1141, died on Thursday 8th February 1140, and the battle of Lincoln was fought in the following year.

Stephen's queen, now as eager in urging war in behalf of her captive husband, as in advocating peace, a few years previously, with her Scottish relatives. Participating in the ill success which he could not avert, David was present at the rout of Winchester, only escaping capture through the attachment and devotion of a youthful godson, David Olifard, then serving in the hostile army, who, concealing him from all pursuit, enabled him to return in safety to Scotland. The grateful king was not unmindful of his friendly benefactor; and it was probably in requital for his services upon this occasion that Olifard obtained a grant of lands in Scotland, becoming the founder of a numerous family, whose name is still well known in the country of his adoption.*

It has been already mentioned that in passing through Durham on his way to the south, David left his chancellor, William Comyn, in that city, in the hope that he might be elected to the vacant see, and hold the bishopric in the interest of the empress queen. Nothing will convey a clearer idea of the anarchy of the period, and of the extraordinary measures that were occasionally resorted to by the gravest characters, than a narrative of the proceedings of William Comyn. He had passed his early years in the household of the late bishop Geoffrey, and, upon the death of the latter, his relatives, wishing to favour the views of Comyn, kept the catastrophe a profound secret, the body of the dead bishop being submitted to an elaborate course of preparation, including a process of *salting*, in order that it might be preserved above ground until the arrival of the Scottish chancellor! One important point remained

* *J. Hexham* 1142. The name has been changed into *Oliphant*.

to be gained—the consent of the chapter—and this was resolutely refused. Escaping from Durham, they chose William Dean of York to be their bishop; but their troubles were only commencing, for they had to deal with a most determined character in the chancellor. In vain the Pope deprived him of the Archdeaconry of Worcester which he had hitherto enjoyed, and launched an anathema at his head; in vain the newly-chosen bishop endeavoured to enter his Episcopal city by force of arms. Comyn set at nought the anger of the distant pope, and drove out the monks who attempted to give secret admittance to his rival. Filling their monastery with his own men-at-arms, he converted it into a regular fortress—a not unusual course of proceeding in that turbulent era—and, secretly supported by Prince Henry and the Earl of Richmond, for three years he kept the bishop at bay, until the sudden death of a favourite nephew induced him to make overtures for A. D. 1144. an arrangement, and the bishop was at length permitted to enjoy undisputed possession of his dignity. A grant of the honour of Allerton was conferred upon another of the chancellor's nephews, Richard Comyn, the founder of that name in Scotland, whose union with Hextilda, the heiress of Bethoc, sole daughter of Donald Bane, may have contributed to the greatness of the family; and, by this arrangement, a scandal by no means of uncommon occurrence amongst the churchmen of that age, was at length compromised, and brought to a satisfactory conclusion.*

* *J. Hexham* 1143-45. *Fordun*, l. 5, c. 43, confounding William Comyn the Chancellor, with William the Treasurer, Archbishop of York, relates his supposed death by poison, with a rather ambiguous comment of his own, "Hic Willelmus Comyn Archiepiscopus Eboracensis, ad missam suam in ecclesiâ Sancti Petri a ministris altaris pecuniis corruptis, venenis potionatus est; qui licet venenum videret in calice nihilominus illud fide fervens sumpsit, *et non diu post supervixit, Deo Gratias!*

Many years elapsed before the Scottish king was again induced to enter upon the scene of English politics—internal rather than external policy appearing to have occupied his attention during this period of his reign, and many of the alterations he had previously set on foot were now probably completed and confirmed. He had not lost sight, however, of the interests of the empress and her son; and in his anxiety to further the designs of the latter, about
A.D. 1149. eight years after the siege of Winchester, upon the crown of England, he was again brought to the verge of a rupture with Stephen. The youthful Henry Fitz Empress suddenly arrived at Carlisle to receive the honour of knighthood from the hands of his venerable kinsman, Ranulph of Chester, who had purposely repaired to the same city, with Henry of Scotland, assisting in the solemnities of the occasion. Ceremonial and festivity, however, only served to cover the real object of the meeting, and arrangements were set on foot, at the same time, for cementing an alliance which was to place young Henry upon the English throne. The Earl of Chester, consenting to waive all claims upon Carlisle, performed homage to David on receiving in exchange the fief of Lancaster, with a promise that a daughter of Prince Henry should be given in marriage to his son. Henry Fitz Empress bound himself, if ever he regained his grandfather's throne, to confirm, without let or hindrance, to David and his heirs, Newcastle and Northumberland, from Tyne to Tweed, with all the other English fiefs that belonged to the heir of the Scottish crown, in right of his descent from Earl Waltheof; and, these preliminaries being adjusted, it was agreed that the earl was to concentrate his followers upon Lancaster; and that the Scottish army,

strengthened by his retainers and by the barons of the western counties who adhered to Henry, should at once advance against Stephen, who, suspecting the proceedings at Carlisle, had already reached York on his march towards the north. In accordance with this arrangement, David and his young relative lost no time in reaching Lancaster; but Randolph, fickle and treacherous as usual, was as faithless to his new allies as he had been ever false to Stephen. He failed in his appointment at Lancaster, Henry re-crossed the sea to Normandy, and the two kings, mutually averse to the hazard of an open rupture, led back their armies without a contest.*

Towards the close of David's reign the peace of Scotland was disturbed for a considerable time by the pretensions of a most extraordinary imposter, who, by a singular chance, has been confounded by the historians of the last five hundred years with the very person whose son, or nephew, he seems to have attempted to personate. In the course of 1134, the same year in which Malcolm MacHeth was committed to Roxburgh castle, Olave Godredson, king of Man, granted certain lands to Ivo, abbot of Furness, for the erection of a priory at Rushen; and amongst the brotherhood who, either at that time or subsequently, were sent into the Isle of Man, was a monk of the name of Wimund, a man of obscure birth but of considerable talents, and still greater and most unscrupulous ambition. His jovial countenance and ready eloquence, his stalwart frame and commanding stature—for he towered a head and shoulders above the height of ordinary men—marked him out as a fit leader for an ignorant and excitable multitude, though scarcely in the capacity of a bishop.

* *J. Hexham* 1150. *Hen. Hunt.*, l. 8, p. 226. *R. Hoveden* 1148, p. 280.

Yet the Manxmen thought otherwise, and, in process of time, Wimund was advanced to the see of the Isles; though such peaceful dignity suiting ill with his restless disposition, he only regarded his appointment as a stepping stone to further advancement, soon giving himself out as a son of the Earl of Moray, and inviting the boldest and most reckless of his wild flock to assist in avenging the injuries, and recovering the possessions, of his supposed father, promising unlimited plunder to all who followed him to Scotland. The descendants of the old sea-rovers flocked eagerly to the call of their singular pastor, whose influence over them was unbounded, and the warlike bishop lost no time in leading his followers to the pillage of the western coasts. His proceedings, ere long, proved him to be no mean proficient in the tactics of partizan warfare. The approach of a hostile force was the signal for immediate departure, Wimund and his followers dispersed amongst the islands, and upon the arrival of the royal army the sole tidings of the enemy were the reports of his excesses in another direction. No sooner had his pursuers retraced their steps, than the bishop and his satellites were again on the alert, carrying fire and sword throughout the district just evacuated; and so often and so successfully were these tactics repeated, that David is said to have experienced more trouble and anxiety on account of this turbulent monk, than through any other enemy during the whole course of his reign. Once, only, he sustained a check, which he received from an appropriate quarter—another bishop, who refusing to submit to his demand for tribute on the singular, but strictly ecclesiastical, grounds that "one bishop should not pay tribute to another," summoned his own flock to resist the unorthodox intrusion, and

launched a light battle-axe at the head of Wimund with an aim so accurate that the burly monk reeled beneath the blow, and his followers fled from the field.

At length, in despair of succeeding by force, the king adopted an opposite policy, and bought off the hostility of Wimund by a grant of Furness in Westmoreland, where, for a short time, the bishop played the tyrant with impunity, particularly directing his virulence against the monastery in which he had passed his early days. At length the people of the neighbourhood, whose patience was worn out by his exactions, watching their opportunity, seized upon him at an unguarded moment, and the luckless Wimund, to whom no mercy was shown, was deprived of his see, and passed the remainder of his life, sightless and cruelly maimed, in the monastery of Biland. No sufferings, however, could subdue the reckless spirit of the man, who was wont to boast, with a laugh, that "even Providence could only conquer him by the faith of a foolish bishop;" adding, that if his enemies had only left him as much sight as a "sparrow's eye," he would have soon shown them how little cause they had for triumph.*

* It is singular how Wimund has been confounded, by nearly every historian down to the present day, with Malcolm MacHeth. Newbridge, who relates his adventures at length, l. 1, c. 23, 24, and who had often seen him in his blindness and captivity at Biland, merely says that he was born at some obscure spot in England, and pretended to be "a son of the Earl of Moray." Ailred (quoted in *Fordun*, l. 5, c. 51) also alludes to him as an impostor, "Cum misisset ei Deus inimicum quemdam pseudo-episcopum qui se filium Comitis Moraviensis mentiebatur," and again (Dominus regem) "monachi cujusdem mendaciis flagellavit." But in l. 8, c. 2, Fordun treats MacHeth himself as an impostor, "erat enim iste Malcolmus filius MacHeth, sed mentiendo dicebat se filium Angusii Comitis Moraviæ." Here begins the confusion; but it can be clearly shown that Wimund and MacHeth were totally different persons. Malcolm MacHeth, "the heir of his father's hatred," was captured in 1134 and confined in Roxburgh Castle until 1157, when he was liberated by Malcolm the Fourth and attested one of

The whole of the north of England beyond the Tees had now for several years been under the influence, if not under the direct authority, of the Scottish king, and the comparative prosperity of this part of the kingdom, contrasting strongly with the anarchy prevailing in every other quarter, naturally inclined the population of the northern counties to look with favour upon a continuance of the Scottish connection. All southward of the Tyne, indeed, was held probably in the name of the Empress Queen, but the influence of David extended far beyond the Tees, and when a claim was raised upon the Honour of Skipton in Craven, it was the Scottish, and not the English king who decided upon its validity. William Fitz Duncan was the claimant, the heir of Duncan the Second and the victor at Clitheroe, whose fiery courage broke off the conference before the battle upon Cutton Moor, and whose prominent position upon this and other occasions during the war, seems to mark him as the Gaelic Toshach. Like his father, however, he was more of a feudal than a Gaelic noble, and several years before this date he married, during the lifetime of Archbishop Thorstein, Alice de Rumeli, the heiress of her Norman name; three daughters and one son, whose fame yet lingers in

the Dunfermlyn Charters (*Ailred*, p. 344. *Chron. Mel.* 1134. *Chron. St. Crucis* 1157. *Reg. Dunf.* No. 40). Wimund could not have gone to Rushen, at the very earliest, before the year of its foundation, 1134; he was a monk before that date, and could not have been made bishop until after the imprisonment of MacHeth. From an entry in Wendover under 1151, "Eodem anno Johannes . . . . . factus est secundus antistes Monæ insulæ . . . . . Primus autem ibi fuerat episcopus Wimundus . . . . . sed propter ejus importunitatem privatus fuit oculis et expulsus," it may be gathered that the career of Wimund was brought to a close *at least six years* before the liberation of MacHeth, and the Bishop of Man, who probably enacted his singular vagaries about 1150, may have personated the son, the brother, the nephew, of the *real claimant of the earldom*—or even that very claimant—but it is impossible to identify him with the solitary captive in Roxburgh Castle without attributing to one, or both, ubiquity.

local tradition as William of Egremont, being the issue of their union. It was in right of his wife that William raised his claim; and as it must have suited well with the policy of David to increase the feudal ties incidentally securing the fidelity of his nephew, he lost no time in installing him in the Honour, willingly providing him with the means of enforcing his rights (as some opposition appears to have been meditated), and atoning for the depredations of the more unruly portion of the army by the gift of a silver chalice wherever the property of the church was shown to have suffered from their licence.* A. D. 1151.

One of the most important objects of David's policy at length appeared to be satisfactorily attained, and the great northern fiefs of his wife's father added securely to the Scottish crown. They were at present held by his son, and in some sort as a guarantee of neutrality towards Stephen, which, though slight, was so far effectual that it restrained David from ill-advised hostilities; whilst the feeble hold of Stephen upon the fiefs in question must have rendered him unwilling, as long as a nominal peace was preserved, to risk the chances of an ineffectual forfeiture which

* *J. Hexham* 1152. In the words of Newbridge (l. 1, c. 22), aquilonalis regio, quæ in potestatem Domini regis Scottorum *usque ad fluvium Tesam* cesserat, per ejusdem Regis industriam in pace agebat." Wynton, therefore, was justified in saying (bk. 7, c. 6, l. 241), "In swylk dissentyowne De kyng Dawy wan till his crown All fra the Wattyr of Tese of brede North on till the Wattyr of Twede, And fra the Wattyr of Esk the Est, Til of Stanemoor the Rere-Cors West." The Esk was the river flowing into the sea at Whitby, and Stanemoor is on the borders of Yorkshire, Durham, and Westmoreland. As late as 1258 a bishop of Glasgow claimed jurisdiction as far as "the Rere-Cross," and singularly enough he was an Englishman (*Chron. Lanerc.* 1258). Camden (*Brit.*, p. 987) mentions the Brandreth Stone in Westmoreland as a meer-stone between Scots and English; but it probably was only a boundary of the lands held by the Scottish kings near Penrith. Alice de Rumeli was the daughter of William Meschines and Cecilia de Rumeli, who founded the Priory of Emmesey, which Alice removed to Bolton. *Vide* Bolton Priory Charters, *Dugd Monas*, vol. 6, p. 203. William of Egremont lost his life through his greyhound pulling him over "the Strides."

he could have scarcely hoped to carry out. In the event of the Duke of Normandy's accession, there was the solemn contract ratified at Carlisle, which was to confirm the Scottish princes in the hereditary possession of these fiefs, in which it might well be hoped that a kindred people in language, origin, and laws, would amalgamate in course of time, under the fostering rule of the representatives of the sainted Edward, with the Anglian inhabitants of the Lothians. Even the population of that great Episcopal Palatinate, where the bishop ruled with regal power and privileges over a district scarcely yet included in Norman England at the time of the Domesday survey, was in sympathy and in race far more akin to the Angles of Bernicia than to the descendants of the Scandinavian conquerors of the Danelage; and the tendency of the men of Durham to turn their regards towards the North, was sedulously encouraged ever since the days of Margaret. It was her husband, the Scottish Malcolm, who laid the first stone of the new church in the Episcopal city; her sons and their leading nobles who enriched with their donations her favourite monastery; and now the last and greatest of her immediate family sheltered the sacred territory of St. Cuthbert from the miseries of southern England, and secured for it the advantages of peace. The grant of the English fief of Furness to Wimund, by which a troublesome enemy was converted into a questionable feudatory, and the confirmation of Skipton, also a dependency of the English crown, to William Fitz Duncan, were carried out by the Scottish king without the slightest reference to the prerogatives of the English sovereign; and owing to the distracted state of England during the reign of Stephen, never was Scotland at any

period of her history more powerful relatively to her southern neighbour, than during the last ten years of David's reign.

Bright as were the hopes of the aged king, when he established his nephew in the inheritance of the de Rumelis, in the following summer they were doomed to disappointment, when a sudden gloom was cast over Scotland by the untimely death of Prince Henry. Nor was the sorrow thus felt confined to his native land alone, for his loss was regretted throughout the neighbouring kingdom. His death was indeed a calamity for Scotland, for all the virtues of his family are said to have centred in his character; and handsome in person, and gallant in bearing, he possessed in addition those popular qualities which, had he lived, would have endeared him to his people; though the elaborate praises dictated by the attachment of his early friend, the abbot of Rievaulx, are perhaps less emphatic than the brief description of St. Bernard, "a brave and able soldier, he walked like his father in the paths of justice and of truth."* By his marriage with Ada de Warenne, who survived him, Henry left six children, three sons and three daughters. Of the former, Malcolm and William lived to ascend the throne of Scotland, and David, the youngest, long enjoyed the Honour and title of Huntingdon. Ada, the eldest daughter, became the wife of Florence Count of Holland, carrying with her as a dowry the northern earldom of Ross. Margaret, the second, was twice married; first to Conan Duke of Bretagne, by whom she left an only daughter, Constance, who became the wife of

A. D. 1152. 12th June.

* *Chron. St. Crucis* 1152. *J. Hex.* 1153. *Newbridge*, l. 1, c. 23. *Ailred* (*Twysden*), p. 368. *Fordun*, l. 5, c. 43. *St. Bernard Vit. Mal.*, *quoted by Hailes*, vol. i. p. 103, *note.*

Geoffrey and the mother of Arthur, son and grandson of Henry the Second; and after the death of Conan, to Humphrey de Bohun, Earl of Hereford. Matilda, the youngest sister, died unmarried in the same year as her brother Malcolm.*

Amidst the deep affliction which he must have felt at the loss of his only son, nothing was left undone by David that could ensure the peaceful succession of his grandchildren. A crisis was even then impending, for six months before the death of the prince of Scotland Henry Fitz Empress had already landed in England, and Stephen, whose good and gentle queen was no longer alive, seizing upon the opportunity of Prince Henry's death to strengthen his cause by a fresh alliance, had at once made over Huntingdon to the Earl of Northampton. Accordingly, under the charge of Duncan Earl of Fife, upon whom the privileges of his earldom appear to have conferred this office, Malcolm was dispatched throughout the Scottish provinces to be acknowledged in every quarter of the realm as the heir and successor of his grandfather, whilst the king, hurrying in person to Newcastle, assembled the barons of Northumberland and took oaths and hostages for their obedience to William, whom he presented to them as their future feudal lord; and during the few short months he survived his son, he busied himself in completing his arrangements for the regulation of the kingdom in the event of his own decease.†

* Malcolm was born in 1141, William in 1142, and David in 1143. Fordun, in l. 5, c. 43, places David before William, but in l. 6, c. 1, David is rightly called the younger son. Wynton has been wrongly accused by Lord Hailes of countenancing this mistake, for he says nothing of the kind. "Sownys thre on hyr he had, Malcolme, Wyllame, and Dawy," are his words; and though he subsequently calls William "the yhowngare brodyr," it is only with reference to Malcolm. bk. 7, c. 6, l. 144-5, 353-65.

† *J. Hex.* 1153. *Jorval, quoted in Lytt. Hist.*, vol. ii. p. 243.

The close of his career, indeed, was not far distant, for though his intellect was still clear and vigorous, his bodily health was failing fast, and though his friends would assure him that he had yet many years to live, he felt in his own mind a presentiment that his end was at hand. It was on a Wednesday towards the close of May that the venerable monarch perceived the approach of death. Calmly reviewing his last instructions, he suggested a few additions, and having concluded his earthly affairs, dedicated his remaining hours to religion. Even at such a moment his kindly nature beamed forth, and when almost speechless he beckoned to his almoner, who, bending over the couch of his dying master, heard him whisper his latest instructions for the distribution of his daily alms. Thus he lingered over the remainder of the week, and as the sun rose upon the morning of the 24th, the spirit of the aged king returned to his Maker.* A. D. 1153.

David was a good man as well as an able king. His faith was of the age, but his religion was from the heart, and there are few who will not respect the feeling that prompted his dying wish to be carried to pray before the Black Rood of his mother. The times in which he lived, and the peculiar tone of his mother's mind, which is easily traceable in all her children, may naturally have influenced the character of his religion, but the formal and saintly colours in which he is occasionally depicted, represent the actual living man about as much, probably, as a mediæval portrait in stained glass resembles the real features

* *Fordun*, l. 5, c. 55, sec. 9. From c. 45 to c. 60 he is quoting Ailred, the friend and contemporary of David and his son Henry, and the principal authority to whom I am indebted for most of the features of the private character of the king.

of the original. Strict in the conception of his own religious duties, he was exact in requiring from the ecclesiastical body a decorous abstinence from all internal broils and dissensions, in return for the immunities and external peace he was zealous in insuring them, enforcing obedience if necessary; though, it is said, that on one occasion he was obliged to kneel to an obdurate churchman before he could shame him into propriety. A kindly and warm-hearted disposition is traceable in many of his acts, and is especially displayed in his consideration and thoughtfulness for his poorer subjects. In accordance with a regulation often found in other codes, and which was, probably, a well-known and general maxim of law, no one was allowed to bring a lesser cause into the royal court of justice, except as an appeal from a lower court: yet, in spite of this enactment, which he seems to have been the first to introduce into Scotland, he appointed certain days on which, like an eastern king of old, he "sat in the gate" to give audience to the poor and the aged; and he would turn without a murmur from a hunting party to examine the appeal of a suppliant; if his decision was contrary to the expectations of his humble petitioners, kindly endeavouring to convince them of its justice—in too many instances a thankless and hopeless undertaking. The poor and the defenceless, indeed, were the especial objects of his protection, and he passed a law that whenever anything belonging to them was stolen, if only one man of good repute was ready to testify to the thief by an oath sworn on the altar before proper witnesses, "according to Scottish usage," the stolen property was to be restored, "on the footing of the king," and an additional fine of "eight cows," the usual mulct for serious offences, levied on the of-

fender—a privilege of great moment to the unprotected and oppressed in an age when, in ordinary cases, the oaths of six, twelve, or even more men, were necessary to establish an accusation of theft.*

Conciliation may be described as the leading principle of David's policy. Called in the prime of life to reign over a people differing in race, in habits, and in language, and agreeing only in the perpetuation of hereditary feuds, he determined upon introducing, amongst his own subjects, the more orderly and settled system of government with which he and his brother Alexander were familiar during their lengthened residence at the Anglo-Norman court; and so ably were his measures conceived, and so judicious was his admixture of conciliation and authority in carrying out this project,—which seems to have been entertained by both brothers,—that he is said to have succeeded in establishing a more durable state of concord amongst the heterogeneous population of his kingdom, than existed at that period amongst people enjoying far higher advantages. Perhaps the true secret of his popularity lay in the admirable tact with which he seems to have entered warmly into the subject that lay nearest to the hearts of all his people—their own affairs. David had nothing to conceal except his councils, and the royal chamber was accessible at all times; every one in turn was favoured with an audience; the great and the lowly; the churchman and the soldier; the burgher and the peasant, each departing with the assurance that his own interests were a matter of attention and care to a watchful and paternal ruler.

Pursuing the policy inaugurated by his mother, Queen Margaret, he encouraged the resort of foreign

* *Act. Parl. Scot. As. Dav.*, 24, 30. *Fordun*, as above.

merchants to the ports of Scotland, insuring to native traders the same advantages which they had enjoyed during the reign of his father; whilst he familiarized his Gaelic nobles, in their attendance upon the royal court, with habits of luxury and magnificence, remitting three years' rent and tribute—according to the account of his contemporary Malmesbury—to all his people who were willing to improve their dwellings, to dress with greater elegance, and to adopt increased refinement in their general manner of living. Even in the occupations of his leisure moments he seems to have wished to exercise a softening influence over his countrymen, for, like many men of his character, he was fond of gardening, and he delighted in indoctrinating his people in the peaceful arts of horticulture, and in the mysteries of planting and of grafting. For similar reasons he sedulously promoted the improvement of agriculture, or rather, perhaps, directed increased attention to it; for the Scots of that period were still a pastoral, and, in some respects, a migratory people, their magnates not residing, like the great feudal nobles, in their own castles, and in the centre of their own "demesnes," but moving about from place to place—not always upon their own property—and quartering themselves upon the dependant population. By enforcing tillage and agricultural labour, and by directing laws against the indolent listlessness of a pastoral life—for it was an age when, from the reaction which might be expected after a period of "irregulated" independence, even the common occurrences of every day life were often made the subject of legal statutes—David hoped to convert the lower orders into a more settled and industrious population; whilst he enjoined the higher classes to "live like noblemen" upon their own

estates, and not to waste the property of their neighbours, and spare their own, under pretence of continual journeys. In consequence of these measures feudal castles began, ere long, to replace the earlier buildings of wood and wattles rudely fortified by earthworks; and towns rapidly grew up around the royal castles and about the principal localities of commerce. The monasteries of Kelso, Jedburgh, Melrose, and Holyrood, with many another stately pile, also owed their first foundation to the fostering care of David; for, independently of his religious zeal, he appreciated the encouragement afforded by such establishments to the pacific arts it was his aim to introduce amongst his subjects. The prosperity of the country during the last fifteen years of his reign contrasted strongly with the miseries of England under the disastrous rule of Stephen; Scotland became the granary from which her neighbour's wants were supplied; and to the court of Scotland's king resorted the knights and nobles of foreign origin, whom the commotions of the Continent had hitherto driven to take refuge in England.*

David, for his own purposes, encouraged this immigration by every means in his power; for many of the events of his reign disclose the dilemma in which he was occasionally placed between his nobility of native birth, and the Anglo-Norman feudatories whose allegiance was also due to the English crown. On the former he could count with safety in any of his inroads upon the south, and to the latter he could

* *Fordun*, as above. *Malm. Gest. Reg.*, l. 4, sec. 400. *As. Dav.*, 26-29. Strictly speaking most of the agricultural laws are in the assize of William, and the statutes of Alexander the Second; but many of the laws of these kings are to be regarded as simply the enforcement of principles of policy laid down by David and his brother Alexander.

look for assistance against the rebellions of the north and west; but there were circumstances in which he could place entire dependance upon neither party. If he threw himself into the arms of the native Scots he must have resigned all hope of social improvement; but if he alienated their affections and relied exclusively upon the Anglo-Normans, he must have made up his mind to reconquer northern Scotland by force of arms, or to resign it to some successful competitor. He gave, therefore, a ready welcome to all who arrived unfettered by any tie to the English king, depending on the knights for the creation of a baronage strongly attached to his own interests, and equally to be relied upon against Englishman and native Scot; whilst to the lower orders, whom he settled in the towns, he looked for the promotion of commerce and the formation of a burgherhood, devoted to the king from whom their privileges and immunities were derived.

In furtherance of his contemplated innovations, and not a little also of the views which he never ceased to entertain of still farther aggrandizing his kingdom on her southern frontier, David may be said to have laid the foundation of a radical change in the relative importance of the two great divisions of feudal Scotland. Hitherto, though the royal authority extended practically as far as the Spey, and the king of Scots was obeyed nominally throughout the whole extent of the mainland, the country between the Forth, the Tay, and the central ridge of the Grampian range, was the real heart and centre of *Alban*. Here were the royal capitals of Scone and Forteviot; here the bishoprics of St. Andrews and Dunkeld, and Abernethy once also a capital and bishopric, still an abbacy, and apparently the seat of the learning of

the age.* Here also were the religious foundations of David's parents, and of his brother Alexander; and here the late king was wont to hold his court at his favourite residence of Invergowrie. Southward of the Forth stretched Lothian and the ancient principality of Strath Clyde, provinces still dependant on the kingdom beyond the *Scots-water*, and never yet regarded as the seat of the central authority. Northern Scotland may be compared to Wessex, the hereditary province of the royal race and the centre of the English government; the southern district between the Forth, the Solway, and the Tweed, resembling the Danelage, secure in its own laws and customs, but secondary in other respects to the remaining portion of the kingdom. Southern Scotland was the creation of David. He embellished it with the monasteries of his religious foundations; he strengthened it with the castles of his feudal baronage; and here he established the nucleus of feudal Scotland, and the foundation of that importance which eventually transferred the preponderance in the kingdom to the south. Strath Clyde and the Lothians were admirably adapted to his purpose, for all the land appears to have been in direct dependance on the crown; he could stud it at will with his favourite Anglo-Norman chivalry, and there are no traces in either quarter of the powerful magnates who were in a position, beyond the Scots-water, to oppose the policy of their king.

But it is not to be imagined that in any portion of the kingdom, except in forfeited districts, David enacted the part of a conqueror, driving out the earlier population and replacing the native proprietary

* There is an allusion to the University, and the Rector of the Schools of Abernethy, in the Confirmation Charter of Admore. *Reg. Prior. St. And.*, p. 116.

by a baronage of foreign origin. He was beloved by the Scots, and terrible only to the men of Galloway, says his friend and biographer Ailred; and it is impossible that he could have retained the affections of his own people had he carried out a policy so hostile to their very existence. He seems to have confirmed rather than destroyed proprietary right, and though he introduced novel tenures into Scotland, the Thanes holding, according to ancient custom, by Scottish service will be found, long after his reign, side by side with the knights and barons holding by the feudal tenure of military service. But this and other changes which he accomplished, and the general policy he pursued in church and state, will form the subject of the two succeeding chapters.*

* *Vide* also *Appendix R.*

CHAPTER IX.

The State.

Scotland in the twelfth and thirteenth centuries still retained many of the features of a confederated rather than of a consolidated kingdom, acknowledging indeed, even in the earlier portion of that period, the rule of one reigning family, but scarcely recognising the authority of the same laws and customs, or bound together by the ties of kindred, origin, and language. Between Forth and Tweed lay Lothian, bordering towards the western frontiers upon the Cumbrian principality and Galloway; both the former provinces having been annexed to the Scottish crown by a course of successful aggression, if not by actual conquest, though Galloway was still rather a tributary dependency than an integral portion of the kingdom. Lothian, apparently, preserved the same laws that were in force throughout Saxon Northumbria before the reign of Canute; whilst two centuries of the dominion of a Scottish line of princes over Cumbria must have introduced a Scottish proprietary very generally throughout the province, without effecting any material alteration in laws and customs, which, based upon the Celtic principle of government, differed probably little, if at all, from the code then and long afterwards retained in Galloway.

Northward of the Scots-water two great divisions were recognised, *Scotia*, or Scotland proper, and

Moravia. The former embraced the whole of the Lowland districts from the Spey to the Forth, extending to the summit of the *Mounth* or Grampian range; thus including the earldoms of Mar, Buchan, and Angus, Fife, Atholl, Strathearn, and Menteith, with Gowrie and Stormont, the Merns and other districts retained more directly in the king's hands; together with the whole of "Scottish Argyle," which, before the creation of the shire and bishopric, was connected with Atholl and the Abbacy of Glendochart; whilst Cantyre and Cowal depended upon the earldom of Menteith. *Moravia* was made up of the earldoms of Moray, forfeited in the earlier portion of David's reign; Caithness, which still included Sutherland, then extending as far as Dingwall; and Ross, a sort of debatable land between the *Gall-Gael*, *Oirir-Gael*, and ancient Mormaors of Moray: with "Northern Argyle," or that portion of the territories of the *Oirir-Gael* which reached, at this period, from the northern boundaries of the modern county to the frontiers of the *Gall-Gael* in Sutherland.* Feudal tenure, in the later Anglo-Norman acceptation of the word, was unknown throughout these provinces at the accession of Alexander the First; though the earlier system of government, once existing amongst a number of independent tribes and confederacies, had long given place to the royal authority wherever

* *Act. Parl. Scot. Assiz. Will.* 3, 4, 16. The northern limits of Scottish Argyle were identical with those of the subsequent Sheriffdom or modern county. Argyle in Moravia, or northern Argyle, was afterwards in the Sheriffdom of Inverness and earldom of Ross. The lands of Dingwall and Fern-Croskry in "the county of Sutherland," were made over to the Earl of Ross by Robert Bruce in 1308. (*Acta, etc.*, p. 117). The name of *Dingwall* tells of the Norsemen, and Ross is frequently claimed for the Jarls of Orkney in the Sagas. In fact, the kings of Scotland at a certain period seem to have favoured their pretensions in this quarter as a counterpoise to the power of the Moray family.

the rights of the crown—as was certainly the case in *Scotia*—were thoroughly established. But though the principle of the system was changed, the features remained very much the same; and a nobility, owing their original appointment or confirmation to the crown, exercising as deputies the privileges of the sovereign, and retaining as their prerogative a portion of the dues they exacted in his name, stood in the place of the elective or hereditary magistrates of tribes and confederacies. The Thane, or *Tighern*, and the official known as the *Deempster*, represented the *Ceau-cinneth*, or rather perhaps the *Toshach*, and the *Brehon*—the chief, or captain, and the judge of the clan; the earl or *Mormaor* and the provincial judge answered to the chosen leader and judge of the confederacy; the kindred of these officials, and the *Og-tiernach*, or "lesser lords," formed the *Duchasach* and *Duine-uasal*, the gentry or freeholders of the district; whilst none who could not claim to be enrolled amongst one of these kindreds were entitled to the privileges of free or gentle birth.

The only tenure known at this period was the *Gavel*,* one of the earliest forms of the original allotment, which was enjoyed in common by all within the limit of the immediate kindred—or, in Teutonic phrase, all embraced in the *Mæg-borh*—a permanent property in such a holding only being acquired by uninterrupted possession for the usual period of "three generations." No fixed or individual property, in the modern sense of the word, was conveyed by such a tenure in any certain spot

* In Stat. Alex. II. 2, *Gavel*, or *Cavel*, is the word used for "holding," and *Loth and Cavil*, Share and Holding, occur in the Burgh Laws. All the authorities for what is here advanced will be found in *Appendices D, E, F, and N.* The tenure of the West Saxon "Ceorl upon Gafol-land," seems to have been very similar, if not identical, with that of the Celtic Gavel.

of land as long as divisible and inheritable property consisted of money, arms, and ornaments, and the stock and produce of the land; but rather a right of joint-occupancy in the family district or holding, shared by all who could claim a certain degree of kindred with the Senior of the race. The Senior was elective, every member of the kindred who had a right of joint-occupancy also having an equal claim to choose the head of his family; though under ordinary circumstances the precedency seems to have been generally conceded to the actual representative of the original "eldest born." Seniority conferred privileges, but it also entailed obligations. To every kindred occupant of a lesser holding was assigned a portion of land, the Senior having the preference in the choice of allotments, with a joint right to feed his live stock on the common pasture, and a similar share in the house, barns, and stabling; the possession of the hearth in the "capital messuage" generally being included amongst the prerogatives of seniority. All that was not partitioned out in this manner fell to the share of the Senior, who in return for his privileges was responsible for the whole of his kindred. He was their *plegius* or security, and their spokesman on all occasions,—or, in the language of the Anglo-Saxon laws, their *Borh* and *Fore-Speca*. He asserted their joint rights, he avenged their joint wrongs, and he was answerable in their joint names for the receipts or payments invariably following injuries whether inflicted or received—for community in good or evil was the very soul of the system of kindred—as well as for the due exercise of hospitality whenever the "over-lord," to use the feudal phrase, was entitled, on his *Cuairt* or Visitation, to demand the "refection," which was known amongst the Anglo-

Saxons as "a night's feorm." It may be safely assumed that similar features were exhibited on a greater scale in the thanage, and in the holding belonging to the district judge; the obligation of "refection" in the case of the thane being confined to receiving the king, an earl, or an abbot or bishop, according as he held office under a lay or ecclesiastical superior. To judge from the parallel case of the Welsh nobleman, this was generally on the occasion of the great winter circuit, when the Scottish kings and magnates were accustomed to pass their Christmas amongst their thanes, much as the kings and Jarls of Scandinavia were wont, according to the old Icelandic chronicler, to move about during the winter months amongst their baronage, or *Hersirs*, who held their lands in a similar manner by the tenure of *Veitslo*, or provisioning the king. The same rule may be supposed to have been applicable to the earldom; whilst the principle of community of right in the kindred unquestionably extended to ecclesiastical dignitaries amongst the Gael, *Tanist* and *Adbhar* abbots—or the successor actually chosen, and all capable of being nominated to the abbacy—being continually met with in the Irish annals.* It may be gathered from the ancient Scottish laws that the limit of the immediate kindred extended to the third generation, all who were fourth in descent from a Senior passing from amongst the joint-proprietary, and receiving, apparently, a final allotment; which seems to have been separated permanently from the remainder of the joint-property by certain ceremonies usual on such occasions. On the death of a Senior, a redistribution of the land and offices belonging to the family inva-

* The Irish *Adbhar* probably answered to the Welsh *Aelodeu*, or all the members of a family within the fourth degree.

riably took place; and it was at this period, probably, that all who were beyond the limit of the immediate kindred received their final allotment. The fourth in descent from a thane, no longer entitled to his share amongst the joint-proprietary, or *Tigherns*, became an *Og-tiern*, he and his descendants holding henceforth of the representative of the Senior, by the same tenure as the thane held of the king; the lapse of the necessary period in both cases rendering them irremovable from their respective districts. The *Tanist*, or next in succession—for the "law of Tanistry" is only another phrase for the law of succession—was appointed at the same time as the Senior, receiving an allotment in proportion to the dignity of his office, and, at this period, generally holding the *Toshachdorach*, or captaincy of the family, —which, in later days, as the law of succession gradually altered, and the office of Tanist sunk into disuse, seems to have become the especial prerogative of the next in succession; and when the earldom, lordship, or thanage passed out of the original family by female heiresses, was generally confirmed by charter on the heir male, to be held hereditarily under the head of the house. Nor was the *Toshach* a character confined to the Celtic people alone; for the Mayor of the palace under the early Merovingian sovereigns, who was usually elected at the same time as the king, and was perhaps a member of the same royal race, was known as the *Dux Francorum;* very much resembling the Gaelic *Toshach*, and the dignitary whose title appears upon the early British coins under the Latinized form of *Tascio*.*

* In 1275-6 Alexander II., and subsequently, in 1372, Robert II. confirmed a grant by which Niel, Earl of Carrick, had conferred upon Roland de Carrick, "ut ipse et heredes sui sint capud tocius progenie sue, tam in calumpniis

Many of the features, indeed, displayed in the Celtic Gavel were not in any way peculiar to the Celtic people, but will be found to have very generally existed in every part of western and northern Europe, wherever a portion of the population continued to hold their land by the older system, which was stigmatized as *Roturier* after the feudal theory of "knight-service" was recognised as the only principle of "gentle tenure." In the intermediate period, when the earlier system still held its ground side by side with the principles of Roman law, and the shifting allotment to which every member of the *Folk* or *Leod* was entitled by "the right of blood" was passing gradually into a fixed and permanent inheritance,

quam aliis articulis et negotiis ad *Kenkynoll* pertinere valentibus," with the office of Bailliary (Seneschalship) of the Earldom of Carrick, and "*the leading of the men thereof*," under the earl and his heirs (*Robertson's Index*, 134. 6). The earldom went to Niel's grandson, Robert Bruce. So MacDougal of Dunolly, the male heir of the *de Ergadia* family, was hereditary Bailie of Lorn. "The MacDuff" seems also to have been the next of kin to the Earl of Fife for the time being. The office of Tanist must have become obsolete when the heir was declared by the Probi homines of the Visnet instead of by the Kin. A royal grant, very similar to that of the Earl of Carrick, was in one celebrated case the cause of a feud lasting for centuries. As the *Toshach* seems originally to have been the second personage in the clan, so the *Senior* often appears to have monopolized the ecclesiastical preferment. The kings of the MacAlpin race were Cowarbs of St. Andrews; of the Atholl family, Cowarbs of Dunkeld; the Earls of Ross were descended from "Mac-in-Sagart"—the priest's son—and it is highly probable that the older chiefs of Clan Chattan and representatives of Gillie-Chattan-More were also "Cowarbs of St. Chattan." When the clan, after the breaking up of the confederacy of Donald Balloch, made its peace with the king, the headship was, for some unknown reason, conferred, not on the *Senior*, but the *Toshach*, and accordingly a constant state of hostility existed between the Captain of Clan Chattan by royal grant—"the Mac-in-*Toshach*"—and the claimant of the chieftainship by right of blood—"the Mac-in-*Pherson*," filius personæ, or son of the Cowarb. The Macphersons are neither mentioned amongst the "Landislordis and Bailies," nor "the Roll of Clans" appended to "the General Band;" but only amongst "the brokin men of the surname of Macinpherson." (*Col. de Reb. Alb.*, p. 35, *et seq.*) Nothing but the tenacity with which the "old Clan Chattan" clung to their "chiefe" (*do.*, p. 207) could have prevented a family, representing, probably, the ancient line of MacHeth, from sinking to the condition of *Og-tiernach* under a junior branch.

length of possession, variously reckoned in different early laws, alone conferred pure allodial property in land amongst the German people—for the chartered grant from the king was thoroughly Roman—whilst throughout the North, long uninfluenced by contact with Imperial Rome, the original principle of descent, which was still traceable in the Germanic nobility of this period, and in the "inborn" right acquired by the lower orders, was in full force; the *Bonder* growing into the *Odal-Bonder*, and if his blood was strictly pure, into the *Holder*, solely after the lapse of the necessary number of descents. Long after the conquest of the ancestral dukedom of the English kings by Philip Augustus of France, the main features of the law of Tanistry, which seemed so strange to the Anglo-Irish lawyers of the seventeenth century, were still familiar to the Normans of the continental duchy. All the family up to the sixth degree were joint proprietors with the Senior of the race in the *Tenure-par-Parage*, holding by fealty alone, the seventh in descent passing from amongst the privileged kindred and holding by *homage*, thus becoming "*the man*" of the head of the family, just as the fourth in descent by Scottish custom became an *Og-thern* under the Thane. The difference in the number of descents was simply the result of the introduction of a noble class above the free, and in either case, all who passed beyond the limits of the kindred evidently had an "inborn" right to a fixed and final provision.* A similar principle seems to have regulated the holding amongst the continental Angles, which never passed to an heiress until the kindred could furnish no male heir within the necessary limit, extending in this case to the fifth degree. The

* *Grand Coutumier*, c. 30. *Vide Appendix D.*

share-house of the Kentish *Gavel* (the *Bold-getal* perhaps of Alfred's laws), with the hearth reserved, as among the Welsh, for the youngest heir; the allotment of which the name of *shifting* betokens the original character; and the freedom of the heirs from the consequences of the father's felony, alluded to in the old Kentish rhymes, "the father to the bough, the son to the plough,"—a freedom which was confirmed, rather than introduced, in Scotland by the laws of William,*—closely resemble the characteristics of the Celtic holding: though the preference of the youngest heir in the Welsh and Kentish Gavel, and in the tenure known as *Borough-English*, discloses the pre-existence of a state of society unknown, apparently, amongst the Gael; whilst the allodial character of the Kentish Gavel seems to have been almost peculiar to that county.

Both the principle of joint proprietary right, and the elective character of the Senior, were thoroughly recognised in the Imperial Benefice, at least as late as the eleventh century. The kindred, ending at the seventh in descent, and never acquiring hereditary right before the lapse of three generations, chose and presented their Senior to their lord, their representative fulfilling all the obligations of the benefice, which, being held by military service, differed in certain particulars from the older Gavel.† Stated military service was required for a stated portion of land, a well-armed soldier attending his lord from every benefice, which was always originally of a certain stated size, the holder of many being answerable for an equivalent number of men-at-arms, whilst the responsibility in half a benefice was shared between the Seniors of two such holdings. As the military

* *Act. Parl. Scot. As. Wil.* 9. † *Lib. de Beneficiis.*

hold required the service of a man at arms, it followed that the lord was entitled to provide a substitute wherever such service could not be rendered through the minority or sex of the holder; and out of this right arose the claim of the lord of a military fief to control the marriage of the heiress and to act as guardian of the minor, rights which, in the case of the Gavel, belonged to the kindred. The earlier system was ruled by a different principle of military service. The greater the numbers of the family or tribe, the more prominent their position in battle, the wider the district allotted to them in the annual distribution of the land; and hence it was the pride of the German page in the days of Tacitus to contribute a far greater number of warriors than their necessary quota of "a hundred." The earlier principle was still in full force amongst the Celts; every freeman continuing to carry arms, and to be liable at the call of the king to attend the yearly assembly of the *Slaught* or *Lewdin*—the Welsh *Llwyd*, the German *Leudis*—if required for a "hosting across the border," a custom which was retained side by side with the military service of the feudal system, under the name of "Scottish service," rendering an army thus levied, and armed only with weapons of offence, more numerous indeed, but far less effective, than the well-equipped body of mail-clad men at arms, who were bound by the tenure of "knight service" to follow their lord to the field.

Wherever the adoption of the benefice had introduced the principle of stated military service, the representatives of the earlier freemen had invariably sunk into a class of agricultural peasantry, free, but occupying an intermediate station between the nobles and the bondsmen. The soldier, for instance, amongst

the Anglo-Saxons in the seventh century was exclusively represented by the Thane, whilst the member of the *folk* or people was only required to attend the army in the capacity of a camp follower, unarmed and without either the duties or responsibilities of a fighting man.* No such intermediate class is traceable amongst the Celts of this period, who had not yet, apparently, entered upon that stage of society in which the noble rose out from amongst the ranks of the free, as a member of a distinct and separate caste. The equivalent of the Anglo-Saxon Ceorl—the Boneddig or Bonnacht—continued to rank amongst the lesser *Duine-Uasal* who lived by the sword, and whilst the title of *Churl* has passed into an opprobrious epithet in the English language, the candidate for a Welsh county still esteems it an act of courtesy to address his constituency as *Boneddigion* or "gentlemen." A wide, and in most cases apparently an all but impassable barrier, separated the *Duine-Uasal* from the agricultural population connected with the land, a class which may be said, in a general way, to have comprised all who were not connected by blood with the *Duchasach* of the district, answering to the *Attach Tuatha* or *Daer-Clans* amongst the Irish, and the *Alltudion* and earlier *Lætic* population—the *Wealh*—amongst the Welsh and Germans. Captives and criminals formed the absolutely servile class, for, to judge from the Welsh laws, the *alien* enjoyed a certain degree of freedom, being at liberty to change his residence as long as it was equally in the power of his lord to remove him from his land; though after a lapse of three generations in one locality, the fourth in descent acquired a permanent right to remain in the ancestral dwelling, with a claim to subsistence in

* *Appendix D.*

that district from which he was now irremovable. No fixity of tenure was acquired by such a claim, which was simply a right to receive every year from the *maor* or steward of the Tighern a shifting allotment, representing literally the yearly assignment of land alluded to in the descriptions of Cæsar and Tacitus; and at the opening of the fourteenth century the agricultural population throughout Scotland, as a class, still held their farms by a yearly tenancy-at-will.* By that time, however, the shifting character of the allotment had probably undergone a certain qualification, for the earliest law laid down in the first year of the reign of Alexander the Second seems to have been directed against the unsettled condition of these *Attach Tuatha*, and their predilection for the listless indolence of a pastoral life. Every "Bondman" was ordered to plough and sow the land in the same locality, or *Vill*, he had occupied in the preceding year; all who had held no land but were in the possession of five cows or upwards—in other words, of more than a pound—were bidden to take land from their lord and raise a corn crop for his benefit; whilst the proprietor of less than that amount of cattle was to sell his oxen, if he had any, to those who could use them in tillage, and work as a labourer in digging and sowing, equally for the benefit of his lord.† The dependance of the *Duine-Uasal* for their support upon the population thus

* *Chron. Lanercost.* 1268.

† *Stat. Alex. II.* 1. It shows how stationary—or rather retrograde—was the condition of Scotland in consequence of the disastrous English wars, and the weakness of the sovereign authority at a later period, that in the reign of James I., two hundred years after Alexander endeavoured to settle the agricultural population, a statute was passed to prohibit the lords spiritual and temporal from removing from their lands "colonos et husbandos pro anno futuro," unless they required the land "ad usos suos proprios."—*Act. Jac. I.*, 1429; *Act. Parl. Scot.* vol. 2, p. 17.

attached to the soil, ensured to the latter a certain amount of consideration; for it was on his "native-men" that the Tighern quartered his kinsmen and retainers, and from the same agricultural class he levied his rents. The necessity of a class of this description in such an age was its safeguard, up to a certain point, from extortion and oppression; they were protected like a sheep for its fleece, as long as their Tighern was in a condition to defend them, the want of fixed and settled rights being invariably most felt when society is in a state of transition.

Such then were the two great classes into which the whole population of Scotland was at this time divided. Earls, Thanes, Judges, and Og-tierns, with their respective kindred, composed the *Duchasach* or *Duine-Uasal*, the free proprietary of the kingdom, together with the lesser *Duine-Uasal* who dedicated their swords to the service of their Senior, answering to the Welsh *Boneddigion*. Amongst the numerous burdens which pressed so heavily upon the Irish peasantry in the Anglo-Irish period, was the payment of a certain sum under the name of *Bonnacht*, to relieve them from the necessity of supporting their lord's retainers; the existence of this custom amongst the Irish Gael pointing to the manner in which, in a similar state of society, the lesser *Duine-Uasal*, or *Bonnacht*, amongst the Scottish Gael were quartered upon the native-men of their respective districts. Nor must the abbot and his kindred, with the *Duine-Uasal* connected with the *ab-thanage*, be omitted from amongst the *Duchasach;* whilst as there were "inborn" clergy, who at a later date were numbered amongst the *Nativi*, and the son of a chaplain by the laws of William lost his free-right upon the death of his father, the law of descent which was in force amongst

the laity was evidently in operation amongst the clergy also.* No especial privileges of rank belonged to the ecclesiastical order in early times amongst the people of Germanic origin; they were assessed according to their actual birth, and it was an innovation upon ancient custom amongst the Anglo-Saxons when the priest, "on account of his seven orders," was reckoned worthy of *Thane-right* or nobility. The earlier custom was still in force apparently amongst the Celts; and as none beyond a certain limit of the "Founder's kin" were privileged to succeed to the abbacy, so the descendants of the married clergy, beyond a similar limit, would appear to have become attached as dependants to the abbey lands; forming, probably, those bands of monastic warriors whose occasional conflicts, recorded in the Irish Annals, seem to have rivalled in ferocity the tumults of the eastern monks. The kindred of the sovereign enjoyed the rank and appanages of earls, the line of Atholl unquestionably, and perhaps that of Fife, branching off permanently in this manner from the royal stock—just as the ealdormen of Saxon Mercia towards the close of the tenth century traced their origin to Ælfhere the kinsman of Edgar. The remaining earls represented, either the "inborn" descendants of Mormaors appointed at an earlier period over conquered districts; or the inheritors of a province from an independent ancestry, who, acknowledging the superiority of the king of Scots, continued to hold their territories by hereditary right, resembling the ealdormen of Saxon Northumbria. Of the earls of Scotia, the majority probably answered to the former description, though the ancient earls of Strathern may have represented, either an offshoot

* *Reg. Morav.* No. 76. *Assize Wil.* 28.

from an earlier royal race, or the descendants of a line of independent princes; whilst amongst the latter class may be reckoned the forfeited earls of Moray, the earls of Caithness, and perhaps of Ross, with the lords of Galloway and of the Oirir-Gael.

The only recognised bond of union was the immemorial tie of kindred, none being entitled to the privileges of gentle birth who could not claim a certain degree of relationship to a Tighern or Ogtiern; none being entitled to a right of subsistence whose kindred had not dwelt for three generations in the district. Charters were unknown; a shake of the hand before a witness settled a common bargain—the thirstier southerns concluded such compacts with a *drink*—whilst the delivery of a stick, a straw, or a clod of earth, in the presence of a greater number of witnesses, apparently conveyed a more permanent grant of land, though length of occupancy alone conferred hereditary right. On important occasions a greater degree of ceremony was observed, one of the latest displays of this description occurring in the reign of Alexander the First, when the king restored to the Priory of St. Andrews the tract of country known as the *Cursus Apri*, or "the Boar's Raik." The king, in the presence of a vast concourse of people, led up to the high altar his Arab charger, equipped with housings of great value, and with a silver lance and shield; the royal saddle and shield, with a complete suit of Turkish armour, being preserved in the church of St. Andrews in testimony of the munificent donation. Notices of such grants after the middle of the eleventh century were occasionally preserved in writing, as *memoranda*, however, and not as title-deeds; and instances of such *memoranda* are to be found amongst the Irish and Welsh,

as well as amongst the Scots, in the transitional period preceding the introduction of the regular charter.*

The inevitable tendency of such a state of society was to call into existence a class of lesser *Duine-Uasal*, clinging to the privileges of gentle birth, and naturally averse to sink to the level of the agricultural peasantry. The distant kinsman, removed beyond the limit of the privileged branches of the family, was ever ready to dedicate his sword to the service of the Senior of his race, and was quartered upon the peasantry of the district as an *Amas* or *Bonnach*, a member of the *Arimannia* or *Hird;* for he was always certain of a welcome in an age in which the numbers of such a following, useless except for purposes of aggression, were the source and evidence of a chieftain's power. Expansion thus became a vital necessity, the very numbers of a kindred, which entailed the obligation, generally ensuring success in their encroachments on a weaker neighbour; and the same causes that impelled one German tribe upon another, or precipitated them in one mighty wave upon the Roman frontier, ensured a normal state of warfare amongst the Celts. Scotland was, however, in a far less disorganized condition than Ireland at this period; and though the royal authority was comparatively of little use in repressing internal warfare amongst the mountains of *Moravia* and Argyle, it was of greater power in the more open districts of Scotland proper, and the south, where the magnates no longer mustered their followers for "a hosting beyond the frontier" except at the sovereign's

* Reg. St. And. quoted by Pinkerton, *Inquiry*, *Appendix* 7, pt. 2 s. 3. Such were the Irish Charters in the Book of Kells (*Miscell.*, I A S, vol. 1, No. x., p. 127), the Welsh in the Book of Llandaff, and the Memoranda in the *Reg. Prior. St. And.*, p. 113, *et seq.*

command. Oppression and encroachment had taken the place of open warfare, and they were content to quarter their followers upon a weaker neighbour, and to relieve the native-men of their own district by moving about from place to place under pretence of travelling, or of attending upon the royal court, with a retinue numerous enough to support their own dignity, and ensure for themselves and followers the necessary hospitality known as "herbary." It was to protect themselves against the abuses of such a system, which was long in full force amidst the mountains of the north and west, that the lesser barons at a later period entered into bonds of *Manred*—or of allegiance in return for protection—with the greater magnates, whose power and dignity were thus enhanced; such engagements being only the *chartered* form of the same tie that united, in an earlier period, the Gallic and Germanic *clientes* to the greater confederacies upon whom they were dependant: for wherever the circumstances of the age called it forth, the principle of clientage was sure to be developed.*

Few material changes had been introduced beyond the Scots water, in either church or state, when the youngest and greatest of Malcolm Ceanmore's sons succeeded his brother upon the throne. Malcolm was a Gaelic king to the last, and the reforming energy of Margaret was directed to the court and clergy; she scarcely aimed at effecting any radical change in the principles of government. During the reigns of Duncan and of Donald, Scotland must, if anything, have retrograded rather than advanced,

* *Assize Dav.* 26-28. For examples of *Manred*, *Vide Col. de Reb. Alb.*, *passim*. The word is often written *Man-rent*, but the tie had nothing to do with *Rent* or any species of tenure. The *red* is simply a termination, as in gossip-*red*, gemein-*red*, equivalent to the modern *ry* in such words as infant*ry*, caval*ry*.

remaining stationary apparently whilst Edgar was king—to judge from the little that is known of that period—the disorganized condition of the see of St. Andrews, which was vacant during the whole of these three reigns, typifying probably the general state of the kingdom at large. Sufficient occupation was afforded Alexander by his contest with the church, which was scarcely brought to a close with his life, and by his northern wars; and though, from the presence of some of the great feudal officers of the crown, and of *Vicecomites*, on certain state occasions during his reign, it may be gathered that his policy was identical with that of his successor, David may be safely regarded as the first king who practically introduced into Scotland the novel system of government in church and state, which was hardly thoroughly established before the opening of the thirteenth century. Many of the institutions and principles which had grown into use, more or less, upon the Continent through the gradual substitution of Roman law for the earlier Teutonic custom, and which had been adopted by successive sovereigns of Alfred's race in the reconstruction of the Anglo-Saxon monarchy, were now substituted in a similar manner for the earlier laws and customs of Scotland; some of these changes being carried out at once, whilst in other cases a considerable time elapsed, after the first introduction of the principle, before it was thoroughly in operation throughout the country.

There was a period in early Frankish history, when the *Comes* or *Graphio* was a royal deputy, answerable for the due collection of the royal revenue, and exercising over the population, dependant on the Crown, as fiscal-judge, a jurisdiction which did not extend over the allodial proprietary. None of these

attributes belonged to the *Count* of a later era, who, no longer either a fiscal-judge or a collector of the royal revenue, was simply a greater baron, enjoying only the title and dignity of his former office. A similar change was in progress amongst the Anglo-Saxons, for in the reign of Ini, the king's ealdorman was the leading judge of the shire, forfeiting his district for compounding a felony; and in Alfred's days, no man of a certain class could pass from one shire to another without permission from the king's ealdorman, who was still connected with the shire as the leading personage in the *Gemote*, and appealed to, on certain occasions, as an official. In Edward's laws, however, and in the laws of subsequent kings, the sovereign addresses his *Gerefas* alone, without any allusion to the jurisdiction of the ealdorman; and though the presence of the bishop and the ealdorman at the *Shire-Gemote* was required by Edgar's law, confirmed by Canute, the Norman Conquest seems to have found the sheriff, a royal official, and not the *Earl*—who was a *Duke* rather than a *Count* at this period—the presiding officer in the county court.* It appears to have been one of the leading features of the policy introduced by Alexander and David, to carry out an alteration of this character in Scotland, where the Earl and the Thane—the Mormaor and the Maor—like the Jarl and the *Lenderman* and *Stallr* amongst the Northmen, were still invested with the full authority of royal officials. In the Welsh Commot, which was supposed to be divided by law, or custom, into twelve *maenols*, only one of these divisions was the actual property of the

* *Ini*, 36 50. *Edg. II.* 5. *C.S.* 18. The *Vicarius* seems to have been the original deputy of the Frank Graphio, and the *Gingra*, or junior, of the king's Ealdorman, *Alf.* 38. Both were replaced by the royal *Vicecomes* and *Gerefa;* amongst the Franks probably when the *Comes* became a hereditary noble instead of an official.

Maer, who exercised a joint authority with the *Cynghellwr* over the whole district, one-third of the Commot being composed of *Taog-trefs*, occupied by royal villeins, in other words, being royal *demesne;* and from the division of the crown lands in Scotland at a later period into *Thanages* and *Demesne*, it may be gathered that the thanage was by this time restricted to the actual property of the thane, who, no longer exercising authority over the demesne as a royal official, was simply a hereditary tenant by rent, holding by Scottish service instead of by knight service. In the same manner, the authority of the Earl or Mormaor—a character unknown in the principality of Wales, but who was simply a high steward or *Maer* on a greater scale,—appears to have been limited to his actual earldom, the functions which he had hitherto discharged as a royal deputy devolving on the *Vicecomes*, an official newly introduced, and directly dependant on the sovereign; in certain cases standing in the same relation to the royal thanes and the tenantry on demesne lands, as the baron by military service did to the knights and tenantry of his barony. Thus, for instance, the great sheriffdom of Perth was made up, probably, of all the thanages and demesne lands withdrawn from the superintendence of the various earls, of whose ancient Mormaordoms the greater portion is now included in the modern county. In Gowrie there was an earldom and a regality, both remaining under the jurisdiction of the sheriff of Scone, as long as they were both retained in the king's hands; though, had the earldom been granted away, the authority of the Vicecomes would have been limited to the regality. In Fife alone the Earl continued in the thirteenth century to exercise the prerogatives of a royal Maor; and when Alexander

the Second, in accordance with the original gift of David, issued his writs for assigning one-eighth of the profits and fines of Fife and Fortrev to Dunfermlyn, one writ was directed to the sheriff of Fife, the other to Earl Malcolm and his bailies, directing him to make over to the abbey "the eighth, which *ye levied with us* in the county."*

The sheriffdom, however, was introduced by degrees; and in Scottish Argyle, and in Cantyre and Cowal, the duties which devolved in *Moravia* on the Vicecomes of Inverness were still performed by the Earls of Atholl and Menteith, or the Abbot of Glendochart. David still addressed his mandate in behalf of the abbey of Dunfermlyn to "the earl and proprietary of Caithness and the Orkneys;" and when, in the subsequent reign, Malcolm issued a mandate of the same description to the Earl of Ross, it was similarly addressed to "Earl Malcolm and his thanes." Four centuries elapsed before there was more than one sheriffdom in ancient *Moravia*—a sure sign of the weakness of the royal authority in early times in the distant north, when the earl, if so inclined, was probably a more efficient delegate to carry out the king's decrees than the royal Vicecomes of Inverness. Even in Fife the Sheriff is not traceable before

* *Stat. Alex. II.* 5. *Reg. Dunf.*, No. 79. Amongst the privileges of the Earls of Fife was numbered the *Lex Clan Macduff*, by which "when ony man-slayer being within the ninth degree of kin and bluid to Macduffe, sumtime Earle of Fife, came to that croce (the cross of Macduff 'above the Newburgh beside Lundoris'), and gave nine kye and ane colpindach, he was free of the slauchter committed be him." It saved the life of Hugh de Arbuthnot as late as 1421 (*Innes's Sketches of early Scottish History*, p. 215, *note* 1). It was probably a relic of the old "right" once belonging to every *Mormaor* or *Oirrigh*, of retaining all his kindred in his *mund;* for amongst the rights of the Welsh *Brenhin* were all causes appertaining to the crown, king, or *royal family*. Another right belonging to the Welsh king was the patronage of all the abbeys, which, though not retained by the Earls of Fife, was certainly vested in those of Strathearn.

the days of William, David always addressing, "the bishop, earl, and proprietary of Fife," and directing "my judge of that province" to assist at the court of the Abbot of Dunfermlyn; in the same manner as it was incumbent on the sheriff, or his substitute, to be present at a later period on similar occasions.* Gradually, however, in all the settled portions of Scotland, the Vicecomes assumed the prerogative of the royal Maor; amongst other duties, settling the rents of the demesne lands, much as his type, the English Sheriff, assessed the *ferms* levied upon the royal Hundreds or Wapentakes included in his shire. In both countries the sheriffdom occasionally became hereditary, until a statute of Edward the Third fixed a year

* *Assize Wil.* 3, 4. *Reg. Dunf.*, Nos. 13, 23, 43, 45, 56. I have rendered *Probi homines* by Proprietary. *Probus* has passed into the French language as *Preux;* probus homo, as *Preud-homme.* They are continually found in the Frank laws and capitularies as *Meliores pagenses*, the class furnishing the *Scabini*, the *Mediocres* of some of the other early laws. In *burghs* they were the class from which echevins, bailies, and aldermen were chosen. They represented the leading members of all that part of the *communitas* which was not comprised in the clergy, greater barons, and royal officials, answering very much to the class from which in modern times—whether *in burgh* or *upland*—the grand jury, magistrates, and members of Parliament are supposed to be chosen. Amongst the old Saxons the *Scepenbar* man—he who was qualified to be chosen for a *Scabinus*—was required to be "probus, prudens, indigena, ingenuus, et quatuor avis natus, liber et opulentus;" in other words, the qualifications for a *Probus homo* were supposed to be birth, property, and character. In the old Scottish laws the *probus homo* is always rendered "good man"—and the *gudeman* is still the equivalent of "the master" in a certain class—the *probus homo et fidelis*, "the good man and true," being a man of a class superior to the simple *fidelis* or "*leal man.*" The *good* equally appears in his equivalents amongst the Welsh,—the *Gwr dha* "bonus homo;" and amongst the Spaniards—the *Hidalgo*, "fijos d'algo," or "filius boni hominis." Amongst the Northmen he appears seemingly as the *Danneman*, and amongst the Irish Gael as the *Saoi.* The Scabinus derived his name from the same source as the *Scop;* both were *Makers*—to use the old English word answering exactly to ποιητης—and in times when an unwritten code was preserved in the memory by such verses as "the father to the bough, the son to the plough;" by a sort of *memoria technica* like the Welsh Triads; or by a quaint system of question and answer, as is traceable amongst the Irish; the qualifications to constitute a good "law maker" may have often produced a good "maker" of poetry.

as the limit of the English Sheriff's tenure of office. Permanency, and a certain degree of greater dignity, seem still to have attached to the Vicecomes in Scotland, where the equivalent of the lord-lieutenant of an English county is known at the present day as "lieutenant and *sheriff* of the shire," the acting official being the *sheriff-depute*, the tenure of whose office is equally permanent.*

As it was the policy of the race of Alfred to knit together the whole of Southern England and the Danelage in the bonds of Commendation, or *hlaford-socn*, so amongst the first principles of the system of government introduced by David, it was strictly enacted, that, within a fortnight after the proclamation of the king's writ in the royal *Moot*, every man "should find him a lord," or forfeit the usual mulct of eight cows to the king, and remain at the royal mercy until he had duly commended himself to some responsible person. So necessary was this enactment considered for insuring the internal peace of the kingdom, and the practical dependance of its unruly population upon the sovereign, that it was a royal axiom in the reign of David's grandson, William, that any man accused of theft, who could not "find a lord" to be his surety, was to be at once treated as a convicted felon; though such must have been the difficulty of enforcing it in the remoter districts, that four centuries after the first introduction of the principle, enactments were still occasionally levelled against "the broken clans" of the Highlands and Borders.† Violence and robbery, the usual crimes of a lawless age,

* 14 *Edwd. III., Stat.* 1, c. 7. In Scotland the same tendency to act by deputy is observable as on the Continent, and the Lord Justice *Clerk* and Lord *Clerk* Registrar—the deputies of the Justiciary and Registrar—appear in the place of their principals, just as in the case of the sheriff-depute.

† *Assize Dav.* 18. *Will.* 6.

were severely dealt with, and the sanctity of the *Gryth* strictly enforced, its "infraction"—in other words a breach of the peace—being heavily fined, according to the rank and dignity of the personage whose *gryth* or peace was broken. All the district up to a certain limit around the king's court and person, and all the public highways, were "in pace regis," or under the immediate protection of the king; whilst the earldom, the barony, and the thanage were under the similar protection of the proprietors, whether lay or clerical, who were entitled to the privileges of a court. For threatening to strike within the limits of the royal *gryth*, four cows were paid to the king, one to the party threatened; the oaths of two "liel men" being required in proof of the charge. For an actual blow the fine was raised, increasing in proportion, if blood followed; a drawn dagger was struck through the hand; and if the weapon were used, and with effect, the guilty hand was forfeited—a stern enactment, enforced five centuries later by the Star-Chamber;—whilst if death followed the blow, the full fine of one hundred and eighty cows was paid to the king, the kindred receiving that "satisfaction according to the law of Scotland"—the *cro* or wergild—from which the victim could no longer hope to profit.* Petty thefts were summarily dealt with; the man detected *backberand*—with a calf, a sheep, or anything he could carry on his back—was mulcted of a cow or a sheep by the lord of the property, was well scourged, and lost an ear, the presence of two "liel men" being required to carry out the punishment. None were to

* *Assize Dav.* 14, 15. I have adopted the reading of the Ayr MS.; xx.$^{ix.}$ instead of xxix., as 180 cows—nine times twenty—were paid as *manbote* for homicide throughout *Scotia*. According to the other reading, the fine for homicide "in the king's gryth" would have been less than elsewhere. *Vide Act. Parl. Scot.*, vol. 1, p. 3.

be hanged for less than the value of two sheep, each reckoned at sixteen pence, or an *ore*.* The usual form of robbery, however, was "cattle-lifting," or the *Creagh*, a relic of that lawless state of society in which the property of all who were not connected by the ties of blood, or of intimate alliance, was looked upon as the lawful spoil of the strongest. The *Creagh* was on land what the *Sumorlida* was by sea; lawful warfare when carried on under the royal authority, but robbery and piracy if wanting the sanction of the sovereign power; which, as "the confederacy" was gradually bound in the firmer bonds of "the kingdom," was invariably directed against the Cateran and the Viking, the last relics of that barbarous independence which claimed the right of private warfare. The rules laid down in the early Frank and Anglo-Saxon laws for tracing the perpetrators of a robbery, leave little room for doubt that, with the Frank and the Saxon, as with the Gael, there was a time when "lost property" was but another word for stolen cattle. It was to check the increase of "cattle-lifting," against which the ordinary night watches—the *stretward* or road-guard of the Conqueror's laws—were thoroughly inefficient, that the early Frank kings instituted the Canton, or Hundred, laying the responsibility of the theft upon the district in which it occurred: and as such robberies were generally carried out at night, the watch-dog was considered by David an animal of sufficient importance to justify the enactment of a special law, and whoever killed him was bound to watch his master's house for a year and a day, being answerable during that period for any losses that might be

* *Assize Will.* 13. This was known as *Berthynsak*. Cases of this description and *Blodwite*—petty thefts and assaults—long continued to be tried in the lesser courts.

incurred. It was probably to check this tendency to night robbery that a law, very much resembling the Norman regulation of the *Couvre-feu*—which may have been introduced for a similar reason—was either passed, or confirmed, in the reign of William, forbidding all but men in authority, or responsible persons, from leaving their homes after nightfall, except to fetch a priest to a sick man, to go to the mill, or to do the bidding of their lord; he who was abroad after dark on an errand of this description being bound to declare openly the reason of his absence from home. But the measures of David were not confined to the protection of the watch-dog, and he laid down rules for the course to be pursued in cases of robbery, assimilating his regulations to the usages elsewhere in force.*

By Anglo-Saxon law, all property above a certain value was to be bought in open market, and in the presence of *Witnesses*, who were always men of property and good repute—the Reeve, the Landlord, the Priest, or other "unlying men" of similar station, who were chosen for this and other purposes in every *Burh* and Hundred. No sale was legal without a *Warranter*, who guaranteed that the property offered for sale was honestly acquired; and if it was subsequently claimed within a certain period as stolen goods, the purchaser was bound to produce his witnesses and the warranter, the responsibility from that time resting upon the latter. If he failed to appear the purchase was void, though the oaths of the witnesses cleared the purchaser from the legal consequences of theft; but if neither witnesses nor warranter came forward in his behalf, he was at once

* *Assize Dav.* 33. *Wil.* II. *Leg. Wil. Conq.* I, 28. For the Hundred, *vide Appendix F.*

condemned as a thief. The name of the warranter was *Getyma*, whilst the legal process, which was always numbered amongst the privileges of the Baron's Court at this period, was known as *Team*, and was a part of that system which aimed at supplanting the rude personal independence which answered every accusation by an appeal to the sword.* The equivalent of the *Getyma* amongst the Welsh was known as the *Mach*, and he seems to be traceable in the Salic law under the name of *Hamallus*, the prototype apparently of the Norman *Heimil-borch*, or *Hemold-borh*—perhaps even of the Anglo-Saxon *Getyma*—the similarity of the title by which the warranter was known beyond the Tweed, or rather perhaps beyond the Forth, *Hamehald*, pointing to the quarter from which the regulations of the *Team* would appear to have been introduced, at any rate beyond the "Scots-water."† In pursuance of this system, of which the germs are earliest found in force amongst the Franks, David appointed certain places in every Scottish sheriffdom to which all property "challenged for theft" was to be brought, and all the warranters in such cases were to be

* *Thorpe's Ancient Laws, Ed.* 1. *Ath.* I. 10, 12, 24, v. 10. *Edm. C.* 5. *Edg. Sup.*, 3, 4, 5, 6, 8, 10. *C. S.*, 24, and Gloss in voc *Team*. By the laws of Edward and Athelstan none were to buy or sell except "in Port," and before the Port-Reeve; but after the institution of the Hundred, purchases and sales might be made, in conformity with the legal forms, in the *upland* as well as *in burgh*. The regulations about warranty first appear in the laws of Kent, the king's *Wic-gerefa* of Lunden-*wic* being the personage in authority, the king's hall in the *wic*, the place of trial. *H. and E.* 16.

† *Wootton Welsh Laws*, l. 2, c. 4; l. 5, c. 5, s. 79, 80. *Leg. Wil. Conq.*, 1, 21. *Lex. Sal. Tit.* 49. *Assize Wil.* 5. The Frank *Hamallus* was the "super quem res primitus agnita fuerit, vel intertiata," the "third hand," apparently, of the Welsh bargain. From the Conqueror's laws it would appear that the Norman *Hemold-borh* was not identical with the *Getyma*, but he was a character of a similar description. As late as the seventeenth century, the *Borch Hamel* was well known in the Scottish Highlands, and no cattle was bought without "sufficient caution of burgh and hamer." *Innes' Sketches, etc.*, p. 382, *note* 1.

summoned. Scone, Cluny, Logierait and Dalginch were the places named for Gowrie, Stormont, Atholl, and Fife; Kintulloch for Strathearn; Forfar and Dunottar for Angus and the Mearns; and Aberdeen for Mar and Buchan. Inverness was named for Ross and Moray, whilst Stirling was the place appointed for transactions in which "the men beyond the Forth" were implicated; for though in modern times this description would apply to the northern Scots, when Scone was the capital and Gowrie the heart of the kingdom, "all beyond the Scots-water" meant the inhabitants of the Lothians, Cumbria, and Galloway. Just as amongst the Franks forty days were allowed the accused to collect his evidence within Ardennes and the Loire, eighty if the parties required dwelt beyond these limits;—the time varying amongst the Anglo-Saxons from one week to four, according to the distance of the shire from which the evidence was summoned, six weeks and a day being allowed for all "beyond sea,"—so if the warranter was within the limits of *Scotia* the challenged party was bound to produce him in a fortnight, an additional month being allowed if he dwelt beyond the borders: and as it is obvious that there must occasionally have been considerable difficulty in procuring the attendance of a reluctant *Hamehald*, his lord was bound to enforce his attendance under penalty of forfeiting one hundred cows, the recusant himself being mulcted in three times the value of the challenged property, whilst he who failed his warranter was proclaimed an outlaw. Every assistance in the search was to be given by the Vicecomes and his officers—the Sheriff of Inverness being answerable for the whole of *Moravia*, whilst the Earl of Atholl, or the Abbot of Glendochart, were responsible for Scottish Argyle,

and the Earl of Menteith for Cantyre and Cowal, the sheriffdom being as yet unknown throughout the territories of the *Oirir-Gael.** Considerable light is thrown by these regulations upon the comparative dependance of different parts of Scotland upon the crown during the reign of David; and as they are not extended to the Lothians, which remained under the jurisdiction of the Northumbrian ealdormen for nearly a century after similar rules appear in the Anglo-Saxon codes, it may be inferred from this silence, not that the law was not enforced throughout southern Scotland, but that the *Team* was a familiar process to the population between Forth and Tweed, at the time when David first extended its provisions over the rest of his kingdom.

Very stringent rules were either enforced, or confirmed, in a subsequent reign for all cases in which a priest was called as warranter. The necessity of open dealing in all transactions connected with property was enforced upon the clergy by rendering it unlawful for a priest to receive gift or tithe except in the presence of "good and true men"—the *Witnesses* probably of a bargain between laymen—and he could not be summoned as a warranter without the testimony of "three leal men," evidently the witnesses in question. If he named the donor, when the gift was challenged, and produced his three witnesses, the responsibility was shifted upon the person named, who, in addition to any other penalties, was bound to make good the value of the gift to the priest; and if the latter stated that the claimed property was his

* *Assize Wil.*, 3, 4, 5, 16. *Lex. Sal. Tit.* 49. *Leg. Hen. I.* xli. The Welsh gave, for finding witnesses, three days within the Commot, nine if in the neighbouring Commot, and a fortnight beyond that distance or across an estuary.—*Wootton*, l. 2, c. 10.

own, or, if cattle, reared by himself, his assertion was to be corroborated by the oaths of "three leal men;" and to guard against all undue influence, their credibility was to be vouched for by the lord of the Vill. It was not from any suspicion of the ecclesiastical body that the law required their evidence to be thus corroborated on such occasions, but rather from a perfect appreciation of the practice, not confined to cattle-lifters, of compounding for a course of evil doing by dedicating a portion of ill-gotten gains to the church. Hence the necessity of the lord of the Vill vouching for the credibility of the witnesses, thus becoming responsible for the penalties of their perjury; for the priest who was capable of receiving stolen goods would have scarcely hesitated at exercising the influence of his sacred character amongst ignorant, or unscrupulous, parishioners in order to clear himself from the consequences of his offence.*

The strictest regulations, however, would have been of little avail without securing the co-operation of the magnates of the land, whose right to hold a court with the privileges of "pit and gallows," which in this reign carried with it jurisdiction in cases of theft and homicide, must have rendered such co-operation absolutely essential. Undue leniency towards offending relatives or dependants, and occasionally connivance in a *Creagh* for a share of the spoil—for a gift might purchase immunity from the overlord as well as absolution from the priest—must have been of only too frequent occurrence in an age in which escape from the gallows was so likely an event, evidently through a fellow feeling with the criminal, that the very first law in the collection ascribed to David, whilst ensuring the actual offender

* *Assize Wil.* 18.

against a second hanging for the same offence, visited the consequences of his escape upon the officiating party as a crime of more than ordinary magnitude. Hence, as it was incumbent upon every freeman to seek the protection of a lord, it was equally necessary that such protection should be restrained within just and proper limits; and for "selling a thief" for money, friendship, or any other consideration whatever, a mulct of a hundred cows was levied upon an earl, or upon any magnate enjoying the rights and privileges of an earl—a description probably embracing the greater barons, the officers of state, the higher clergy, and subsequently the lords of Galloway, Argyle, and the Isles. The fine was reduced to thirty-four cows in the case of personages of lesser dignity; whilst if a thief escaped from prison, the lord of the prison was bound to clear himself from all complicity by the oaths of three Thanes and twenty-seven "good men and true;" the triple oath, in other words, of three Thanedoms or Baronies. The complicity of "the Baronage" in offences of this description was, but too often, a fruitful source of disorder; and in the subsequent reigns, the practice of taking money for "remission of judgment" was punished by withdrawing from "the lord," found guilty of such an abuse, all further right of "holding a court:" and if, in return for a gift or rent of any description, he granted his protection to a man accused of crime, who was proved by the verdict of "the good men of the country" to be neither liegeman nor native-man of his protector, he was condemned for so doing to be "at the king's mercy."* Laws and enactments, however, are of

* *Assize Dav.*, 1, 13, 16. *Wil.* 20. *Stat. Alex. II.* 4. The *three Thanedoms* are evidently the same as the *three Baronies*, so continually met with in later laws. Both are evidently counterparts of the "three *tuns*"

little avail unless the lawmaker has the power of enforcing them, and long after the rule of the House of Atholl had passed away, the Scottish magnates, though capable of exercising their "rights of regality" in a very summary manner, were only too apt to overlook, if not to connive at, the excesses of an useful follower; though a true idea of the state of Scotland under the later successors of David would scarcely be gathered from confounding it with the state of the same country in the fourteenth, perhaps even in the following century; during which period the kingdom, at any rate in its more settled and civilized quarters, had decidedly retrograded rather than advanced from its condition in the thirteenth century.

Amongst the regulations either introduced, or confirmed, by David, at any rate beyond the Scots-water, the system of the *Voisinage*, or *Visnet*, holds a prominent place; through which the older forms of trial were gradually supplanted by the verdict of "the good men and true" of the neighbourhood. Two principles seem to have lain at the root of the whole system of justice—compurgation, and the ordeal. As individuality was unrecognized, or helpless, the testimony of a single witness was, except under certain circumstances, inadmissible; though the oath of a man of rank, or of a churchman, after the church had acquired worldly station, outweighed the oath of an inferior, and seems often to have been reckoned according to the proportion of their wergilds. Thus,

amongst the Anglo-Danish confederacy of Mercia, and the "three *Dorfern*" amongst the Saxons, with whom it was lawful, "if a theft be committed *handhabend*, or a robbery in which the offender is taken, to chose a Go-graf" from at least *three villages* (*Dorfern*), "and they shall form a court and judge the case, provided the judge who has the office in fee (belehenten Richter) cannot be had." *Leg. Eth. III.* 15, and *Sach. Spieg.*, l. 1, c. 55, quoted in *note d.* The fine of 34 *cows* is called in William's laws (14), the thief's *wergild*. By a law of Chlovis whoever saved a man from the gallows paid his wergild.

amongst the Anglo-Saxons, two thanes appear to have answered to twelve compurgators of lesser note; five thanes to the triple oath of thirty in Wessex, though the number of the triple oath varied in Wessex, Mercia, and the Danelage; and a similar principle is traceable in the laws of the kindred Old Saxons of the Continent.* *Compurgation* was originally the duty of the kin, and the nearest relatives who received, or paid, the wergild were bound to come forward to take oath in behalf of any member of the brotherhood, every accusation being thus supported or repelled. The number of compurgators varied according to the importance of the case, judgment going against the party whose kin declined to come forward, or who failed in obtaining the required number. The accusation frequently had to be repelled by a number of compurgators doubling the amount of those who supported the charge; and on some occasions, to judge from the custom of the Imperial Benefice, each party went on increasing in number until the greater *tourbe*, the most numerous body of compurgators, carried the day; or else a final appeal seems to have been made to the ordeal.† Witnesses, in the modern sense of the word, are seldom or never alluded to; had they been examined, and borne testimony against a man, as at present, they would have legally had to "bear the feud" of his kindred—a danger actually provided against by one of William's laws. In an age in which the duty of revenge was amongst the paramount obligations of the family tie, the kindred, in such a case, were only

* *Eth. I.* 1. *Wil. Conq.*, I. 11. *Leg. Hen.*, I. lxvi., 8-10. *Lex. Sax. Tit.* 2. As the penalties of this period, when not capital, were invariably fines, it is probable that the expression "a pound oath," or "swearing for so many hydes," meant that the compurgator, like the modern bail, was to be up to a certain point "a man of substance."

† *Lib. de Ben.* 98.

too ready to wreak their vengeance on all through whom their kinsman suffered; an offence which was visited with the highest fine for a breach of "the king's peace," except the victim's kindred had consented to the deed—had, in other words, declined "to bear the feud." The extent to which the blood-feud was acknowledged, at this period, may be gathered from a proviso in the same law, that even if the king had "granted grace" to the offending parties, his pardon was of no avail unless it had been issued with the full knowledge of the kindred of the slaughtered man, who otherwise retained their legal right of vengeance on the homicide.* The liability of the kindred, however, must have enabled the jurisprudence of the age, in ordinary cases, to dispense with witnesses. The responsibility of the theft, or homicide, was thrown upon the district; and if the responsible parties failed to shift it elsewhere, the law visited them with the penalty. Publicity was the test of innocence, secresy of guilty intent. In the olden time, all who crossed the *mark* openly were welcomed as guests, safe and secure in the protection of the whole people, amongst whom they were sacred characters; but he who failed to give due notice of his approach, was slain at once as a foe or a thief; and in later days, the magnate travelling through the royal forest might always strike a deer or two if he first sounded his horn, to give due notice to the forester of his intention. He who slew his foe in open strife, proclaimed the deed, and told where the body lay—sometimes even if he left his weapon sticking in the wound—was never reckoned

* *Assize Wil.* 15. This was not the result of "Celtic barbarism;" for two centuries after the reign of William the Frisons still claimed their right to "blood for blood." *Leg. Fris. Tit.* 2, n. 5, (*Canc.*) *Vide* also *Appendix E.*

as a murderer, simply bearing the feud with his kindred, or paying the wergild; whilst by Old Saxon law, a *murderer* was fined nine times the ordinary mulct, his kinsmen only paying one-third of the usual wergild as their share of the fine, and being released from all consequences of the feud; evidently on the principle of their ignorance of the *secret* intentions of the murderer.* So, at a later date, it was the duty of the man who claimed his own cattle, or "impounded" that of another for debt, to proclaim it openly in the neighbourhood; when his neighbour, thus made aware of his intentions, might stop him if in the wrong, and assist or clear him on oath if right. Thus, publicity was necessary in all the transactions of social life; and as its neglect was assumed to imply a guilty purpose, and the kin, or the neighbourhood, was the joint security for all its members, it would naturally become a legal axiom of the age, that the kinsmen, or neighbours, were responsible that such publicity had been complied with, and liable to pay the penalty of any neglect.

For all who doubted their ability to muster the requisite number of compurgators—but too often, it is to be feared, for the friendless—the ordeal was the last resource; either water, cold or boiling; hot iron; or the wager of battle.† In primitive societies the sword has ever been the freeman's last appeal—still remaining so where they congregate in numbers sufficient to constitute a separate state—and the early Germans

* *Lex. Sax. Tit.* 2.

† According to the laws of Athelstan, iv. 7, the simple ordeal of water was to take a stone out of boiling water as deep as the wrist; the triple ordeal deepened the water to the elbow. The ordeal of iron was to walk nine feet over hot iron; sometimes to carry it, probably the same distance. In all cases the hand or foot was bound up and inspected three days afterwards. If it had healed, the man was pronounced innocent. The ordeal of cold water was the *dyke-pot*, to which poor wretches accused of witchcraft were too often subjected.

looked upon every other mode of settling a disputed question as a novel and unheard of method of proceeding.* Many of the rights which have long been made over to the state were in early times supposed to be vested in every *full-born* member of the community, continuing until a comparatively recent period, to be more or less enjoyed by the great and privileged; and it must have been the aim of the early lawgiver to control and regulate rights which he could not supersede; just as in Scotland the royal official directed the judgment of the Barons' Court long before he superseded its jurisdiction. As long as the constituted authorities were too weak, or too feebly supported, to retain the sword of justice in their own hands, it is evident that it remained in the power of every free kindred to execute the vengeance which the laws allowed; and when the suit had not been compounded, or the feud appeased, the criminal, instead of being "left for execution," was simply handed over to the *legal* vengeance of his enemies; just as amongst the Israelites of old it was not from the official, but from the avenger of kindred blood, that the unintentional homicide fled to the city of refuge. Men, under certain circumstances, were allowed "to take the law into their own hands;" the thief caught by the "sequela clamoris viciniæ"—the hue and cry of the neighbourhood—with the stolen cattle in his possession, was hung without ceremony; and in their rules for tracing stolen cattle, the men of London-burh were bidden to be foremost, not in delivering the thief to justice, but in taking prompt and summary vengeance on him. The regulations in the Anglo-Saxon laws for clearing the man slain for a thief, show that the well-known proverb about

* *Velleius Paterculus*, l. 2, c. 118 (quoted by Blackstone).

"Jeddart justice," has been scarcely exaggerated—"Hang first and try afterwards."* The wager of battle naturally arose out of such a state of society, when the "ultima ratio regum," with other royal prerogatives, was regarded as the right of every full-born freeman; and the same arguments, which are now used to palliate warfare between states, might then have been urged in favour of the freeman's last appeal. *Disseisin*, when the freeman was dispossessed of his property, was simply invasion on a lesser scale; and as long as the central authority was inefficient to rectify the wrong, and reinstate the rightful owner, all that it could promise was "non-intervention,"—open lists for the combat, and death to all who interfered; whilst in doubtful charges affecting a man's life, it was quite in accordance with the rude justice of the age, that, as a last resource, the accused might defend his head with his hand. The challenger faced the west, the challenged party the east, and he who was defeated lost all "right" for ever; though, if he "craved" his life, he might live as a "recreant," a *craven* who "recanted" the perjury he had sworn to; so that most brave men must have fought to the death. Compurgation, which passed into the English law as "the wager of law," and was not quite forgotten in the Perthshire highlands in the early part of the seventeenth century, was probably one of the first compromises of the ancient "wager of battle"—perhaps suggested by the softening influence of Christianity†—the same number of the kindred who formed

* *Assize Wil.* 7. *Ath.* v. 8. I. 11.

† A passage in the laws of Childeric ad an. 550, somewhat unintelligible indeed, seems to point to this, where, in reference to the "duodecim juratores," it is said, "Propterea non est sacramentum in Francis, quando illi legem composuerunt, non erant Christiani." *Pertz. Leg.*, vol. 2, p. 6, c. 4. The only meaning I can make out of it is, "For this cause there is no oath amongst the Franks—no provision for

the *Wer-borh*, or cleared their kinsman on oath, having, perhaps, in early times, like the second in a duel of the seventeenth century, stood beside him occasionally in the actual combat, or kept the ground during its progress—one of the latest instances in Scotland of such a combat on a great scale being, perhaps, the well-known contest on the North Inch of Perth.*

Compurgation and ordeal seem to have been as familiar to the Celts as to the Teutons, until by degrees the system known of old in English law as the "Jugement del Pais," superseded all the earlier methods of trial. Amongst the early Germans, a leading magnate, or prince, was chosen in the yearly meeting to judge the people, making the tour of the whole confederacy, with a hundred *comites* to assist and support him in his decisions; the *Vergobreith* amongst the Gauls being a very similar character,

compurgation in their code—when they made their laws they were not Christians." The passage has rather a colloquial form, like the Welsh Triads or the Irish laws, so often framed in question and answer; pointing to an age in which the law was not written but committed to memory.

* On such occasions, by Welsh law, if an *Alltud* joined in the combat to make up the necessary number of combatants, and escaped with life, he ranked as a *full-born* member of the kindred for whom he had entered the lists. In the battle on the North Inch of Perth thirty men appeared on each side, armed with bows, axes, swords, and daggers, but without defensive armour. The number resembles the triple oath of "three Thanes and twenty-seven leil men," by which the lord of the prison from which a thief escaped was bound to clear himself; the equipment was probably that required in the old "Scottish service." It is generally supposed that the contest was for the chieftainship of the Clan Chattan, but it seems very doubtful that this was the case. The oldest account of the battle, which took place on 28th September 1396, is contained in a memorandum in the *Reg. Morav.* p. 382, which says that thirty of the *Clan Hay* fought thirty of the *Clan Qwhwle* "quia firma pax non poterat intra duas parentelas." Four years previously, in the second year of Robert III., the latter clan had figured as the *Clan Qwhevil* under *Slurach* and his brothers, in the raid upon Angus, celebrated by *Wynton*, bk. ix., c. 14. *Act. Parl. Scot.*, v. 1, p. 217. They were the victors, and the Clan Hay disappears for ever; but the *Clan Chewill* figures in a Roll of Clans of the sixteenth century as a distinct family from the Clan Chattan and Macphersons. *Col. de Reb. Alb.*, p. 39.

though, from the peculiar separative principle of Gallic policy, the Druids supplied the place of the Comites, the exposition of the law being one of the prerogatives of the sacred caste. Every freeman, therefore, was tried in the open *Mall*, or court, of his own district by a judge, in whose appointment he was supposed to have a voice; and in the presence of his equals, or of the class to which all legal and religious obligations were deputed. For his family, his *Hird* or followers, his *Læts* and serfs—for all who were in his *mund* or under his protection—he was himself the judge; and as the class of Comites increased in numbers, a greater body of freemen was transferred, so to say, from the jurisdiction of the public to that of the private judge, thus exhibiting the spectacle of a free population living, in a certain sense, according to different laws. This is nowhere better exemplified than in the case of Sweden in the eleventh and twelfth centuries, when the whole of the Bonders, or allodial proprietary, were under the jurisdiction of their chosen *Lagaman*, none of "the king's men" having a right to enter the Bonders' Court without their permission, where, when the king was present, the Lagaman sat on a raised seat opposite the royal throne, on the footing of all but equality.* A similar spectacle may have been exhibited, in a certain stage of society, wherever a kingdom arose out of a number of small allodial communities; but after the various members of the Frank confederacy were united in one kingdom, under the race of Merovic, the different laws acknowledged in the historical period were, not allodial and royal, but Salic and Roman—a distinction generally observable wherever a people of Teutonic

* *Heimsk. St. Olaf. Saga*, c. 76, 80.

race settled as conquerors in the Roman provinces. Amongst the Burgundians, indeed, where the Roman and his conqueror were on a footing of comparative equality, two royal officials administered justice in the same court, each people being judged by a Count of their own race, and according to the laws of Gundobald, or the code of Rome; but with the Franks, amongst whom the Roman was an inferior, there was but one official, the Graphio, or Judex Fiscalis, whose authority extended, though in a different degree, over both races. The Roman was judged solely by the royal official, who was bidden when in doubt "to read the Roman law;"* but in all cases in which the Frank was tried by the old Salic law, the official, whether *Missus* or Fiscal judge, simply pronounced the sentence, the real judges of the cause being the *Scabini*. Originally seven in number, latterly twelve, the Scabini were always chosen by the Graphio, or the Missus, from amongst the "Meliores Pagenses," or leading proprietary of the district in which the cause was tried; and in cases of doubt reference was made, not to a written code, but to "nostrum placitum generale," representing the whole community in general *Mall* or meeting; just as the Scabini represented the "proportio visnetæ," or the chosen portion of proprietors acting in the name of the whole neighbourhood. The same principle was extended to every lesser court, whether public or private; three *Sagibarones* pronounced judgment in the court of the Canton; and when Sigwald the priest, and Dodilo the noble—representing respectively the ecclesiastical and lay element, as in the association of the Bishop with the Ealdorman in the old Anglo-Saxon Shire-gemote—sat as Missi, or

* *Capit. Carl. Mag. Pertz. Leg.*, vol. 1, p. 121.

deputies, of Hincmar in the archi-episcopal court of Rheims, the judgment was pronounced by eight Scabini chosen from amongst the leading Frank-tenantry of the archbishop.* This difference between the Roman and the Teutonic systems is even yet recognisable in English law—all questions falling within the province of the great official, who derives his origin from the institutions of Rome, the Chancellor, being settled by the fiat of the royal official alone; but whenever the freeman is put on his trial for life or liberty, his fate is still decided by "the Jugement del Pais," the verdict of his own *Visnet* or neighbourhood—unless for some sufficient reason the *venue* is changed to another *Visnet* or neighbourhood—the presiding judge simply passing sentence according to the verdict thus given; though in modern times the jury, and not the judge, leave the court. Every Germanic people seems to have clung with tenacity to this principle, and after the law of the Benefice, mostly founded on the Roman Code, had replaced allodialism in Eastern Germany, it is still recognizable in the stipulation that no man should be deprived of his Benefice—for the jus Beneficiale

* *Arch. Adm. de Rheims*, vol. 1, p. 35. The seven assessors of the Graphio seem to have been originally known as *Rachimburgii*, who, according to *Edict. Chilp.* 7 (*Pertz. Leg.*, vol. 2, p. 10), were to be "Antrustiones boni credentes." They were afterwards known more generally as *Scabini*, and numbered twelve in the Carlovingian era. *Cap. Leg. Sal. Add. ad an.* 819, 1, 2, (*Do.* vol. 1, p. 227). *Vide* also *Ap. Form. Marc. Canc.* vol. 2, p. 247, *note* 3. The number of compurgators appears to have been occasionally *seven* as well as twelve (*Cap. Add. Leg. Rip. ad an.* 803, s. 10. *Canc.* vol. 2, p. 320), and a similar number is also sometimes assigned to the mystic "Peers of Charlemagne," a body which perhaps may have owed its creation to some confused idea in later times that the Graphio and his assessors were but the reflection of "nostrum placitum generale." The *Sagibaro* seems to have been of a lower class than the *Rachimburg* or *Scabinus*, for the latter was necessarily an Antrustion or nobleman, the former if *ingenuus* was raised to this rank by his office, and might be a *Læt* (V. Wergilds). As any cause decided by the three *Sagibarones* could not be reopened before the Graphio, it is evident that they sat in the lesser Courts. *Lex. Sal.* 56.

had now replaced allodial right—except "by the judgment of his peers"—the identical principle maintained by the Anglo-Norman barons against the encroachments, not of the Norman William, but of the Angevin Henry and his sons.*

There is not a trace of any similar institution amongst the earlier Anglo-Saxons, as far as it is possible to judge from the collection of laws in force in Wessex and Saxon Mercia during the reign of Alfred. The king's Ealdorman or his junior—the Vicarius, not the Vicecomes—presided in the ancient Folk-mote, which was held in every shire or district under an Ealdorman; and as every freeholder was bound to be present at a meeting of this description, justice appears to have been administered according to the ancient custom, in the presence of the whole free population; though not by a Lagaman chosen by the people, but by an official appointed by the crown. A solitary passage in the laws of Athelstan seems to point to the exercise of judicial functions by the "Meliores Pagenses" in the reign of Alfred's grandson; for in cases of manslaughter and fire-raising, if the accused was found guilty, it was "to stand within the doom of *the Senior men of the Burgh* whether he should have his life or not." The principle was in full force, during the reign of Ethelred, amongst the Anglo-Danes of the Mercian confederacy, twelve of the Senior Thanes binding themselves to administer true justice with the Reeve in the Gemote; unanimity in their verdict being aimed at

* *Canc*, vol. 1, p. 236. *Magn. Chart.* II., s. 39, 52. No freeman was to be dispossessed of his freehold, liberties, or customs, "nisi per legale judicium parium suorum vel per legem terræ." The former still continues to be the privilege of the "Majores Barones," or House of Lords, the latter belongs to the "Minores Barones," or the rest of "the Community." Had not the old "judicium per pares" been superseded in the case of "the Community" by the "Jugement del Pais," the *Pares* would now be counted by millions!

by fining the dissentient minority, when two-thirds of their number had agreed, the whole amount of the sum which each had deposited as a *wed*—the decision of the majority carrying the verdict, continuing to be a feature distinguishing the Scottish from the English jury at the present day.* No innovation appears to have been introduced amongst the Gaelic people upon the older custom of assembling the whole free population of the district, confederacy, or kingdom, in annual or occasional meetings, which in the settled parts of the country were by this time probably represented by the assemblages of the thanedom, the earldom, and the great meeting in which the sovereign presided in person; for it is still possible to trace the

* *Leg. Ath.*, iv. 6. *Eth.*, iii. 3, 13. The *Folk-mote* was probably the meeting of the whole people in early times, but after a king's Ealdorman presided at it, it was surely only a meeting of the *Folk* under his special jurisdiction. It is last alluded to in the laws of Athelstan, being replaced probably by the biennial *Shire-gemote* provided by Edgar's laws, in which the Bishop and the Ealdorman were the leading personages (*Edg.* ii., 5. *C.S.* 18). These *Moots* had nothing whatever to do with the government of the kingdom, which was vested in the king and his *Witan*, —his Court or Privy Council, not his Parliament; for the voice of "the Community" was unheard in the *Witanagemote*. Self-government up to a certain point is traceable in the institutions of this period, but not beyond it. The Londoners might choose their Tythingmen and manage their own affairs, but the right to do so was laid down in "the ordinance which the Bishops and *Reeves* belonging to London ordained;" the Reeves being appointed by the Crown, and Bishops, Reeves, and Ealdormen being answerable for holding the *Frith* "as *I and my Witan have commanded*" (*Ath.* v. 11). It is in vain to attempt to trace the germs of the English parliamentary system in the Anglo-Saxon Witan. Our modern Parliament was gradually developed out of the right, acknowledged by "Norman feudalism," of the whole community of freeholders to gather round the sovereign. The *Majores Barones* still exercise the right, once belonging to the whole community, of assembling in person; the lesser barons, and the rest of the community, whether *in burgh* or *upland*, assemble by their representatives, chosen originally by "the Reeve;" but from the reign of Henry IV. (who appears to have finally carried out the intentions of his grandfather, after a lapse of thirty years), by all freemen of a certain standing. The government of a king and his Witan—his Court or Privy Council—could only have been developed in course of time into, either a powerful but irresponsible despotism, or a feeble monarchy torn by the dissensions of a few powerful magnates contending for the real power. Such was the phase it assumed in England, unless the history of that period is gravely in error.

existence of district, provincial, and royal judges, who must have had a part assigned to them in each separate assemblage of this description. Four "Courts" are alluded to in the Welsh laws, but the free proprietary had probably little to do with the courts of the Breyr and of the Tawg-tref—the Baron's and the Villein Court—their attendance being only required at the courts of the *Cymmud* and of the king—for the earldom was unknown in Wales—where, in the absence of the sovereign, the *Effeiriad*, the *Distyn*, and the *Brawddwr-Llys* presided; or the royal chaplain (the equivalent perhaps of the Scandinavian *Hird-Bishop*), the high-steward as president of all the *Maers*, and the court judge as senior of all the *Cynghellwrs*.* It was in a great assembly of the whole free population of the united people that "the laws of Aodh the Fair," involving, probably, the right of his descendants to the throne, were recognised in the reign of the first Donald; a similar assemblage under Constantine the Second, on the Moot Hill of Scone, appears to have ratified, or assented to, the ecclesiastical constitution of the Scottish church of that period; and it was in great meetings of a similar description, and at the same place, that it was "the custom of the Scots" to choose their kings, or rather perhaps to confirm the selection of their Seniors.† The affairs of a province, or *Mormaordom*, appear to have been regulated in a similar assemblage on a smaller scale; and a description of such a meeting in the olden time will be found in the Registry of the

* *Wootton*, l. 4. *Triad* 85.

† Malcolm IV., according to John of Hexham, was chosen in an assembly of this description, or rather, as amongst the Germans in the days of Tacitus, the assembly ratified the choice of their Seniors. "Tollens igitur *omnis populus terræ* Malcholmum . . . . apud Scotiam, *sicut consuetudo illius nationis* . . . . . constituerat regem pro David avo suo." *J. Hex.* 1154.

Priory of St. Andrews, part of the property of the priory having been held by a verdict given in a general assembly of the province. When Sir Robert Burgoin encroached upon the lands of Kirkinnis an appeal was at once made to king David, who despatched his messengers throughout the united district of Fife and Fotheriff to convene the people of the province. The place of meeting is not mentioned; but thither came Earl Constantine of Fife, "a discreet and eloquent man," at this time Justiciary of Scotland, with "the Satraps, Satellites, and Hosting" of the county; or the free proprietary who held under the Mormaor, with their kinsmen, and the followers who would have been known amongst the Northmen as *Thingmen.* The presence of the Bishop is not alluded to, but thither came his *Hosting*, or all the Frank-tenantry of the broad lands restored by Alexander to the church, under the captaincy of Budadh and Slogodadh—*Toshachs* or leaders apparently of the military contingent due from the church-lands in the province—and under the presidency of Macbeth, Thane of Falkland, probably the Maor, Baillie, or *Vidame* of the bishop. When the whole community of the province was assembled, three arbiters were chosen to try the case,—Earl Constantine as justiciary; Maldonaeth Mac Machedach, "a good and discreet judge," the *Brehon* probably of the province; and Dugal Mac Moccha, on account of his venerable age, —the number of the arbiters exactly coinciding with the number of judges in a Welsh court. The cause was conducted on the principle of compurgation—in earlier times it would have been decided by battle —the abbot in legal phrase "swearing *se sexta manu;*" or, in other words, Abbot Dubtach and five of his clergy testified, by an oath sworn on the altar, to the

boundaries in dispute. As no notice is taken of the defence, it is impossible to say whether Sir Robert failed in producing his twelve compurgators—for he would have been bound to "lay twelve hands" on the altar—or whether the oaths of his "jury" were disbelieved; the arbiters, deferring to Dugal from his experience and "knowledge of law," pronounced in favour of the Culdees; and a notice of the transaction, entered in the Registry of the Priory of St. Andrews, attested the right of that foundation to the property in question, as heirs of the Culdees of Kirkinnis.*

Such was the legal process, during the earlier portion of David's reign, for settling the numerous cases of disputed boundaries, which, by the same king's subsequent regulations, were decided by the "perambulation" of the "good men and true" of the neighbourhood, and in the presence of the royal *Missi*, or other notabilities, appointed as "unlying witnesses" of the proceeding. There is no trace at this period of the Vicecomes in Fifeshire, though he existed in other quarters beyond the Forth; nor of the "Jugement del Pais," by which the arbiters chosen in public *Moot* were replaced by the good men and true of the country, appointed by the royal official. As the division of power, so remarkable amongst the Gauls in the days of Cæsar, was still traceable in the delegation of authority to two officials, so the restriction of all judicial functions to the Druids would almost appear to have survived, in a certain sense, in the limitation of similar functions to their representatives, the Cynghellwrs, Brehons, or Deempsters. Thus the *Hereban* levied during the reign of the second

* *Reg. Prior. St. And.*, p. 117. This meeting must have taken place early in the reign of David, as the signature of Earl Constantine is soon replaced in the charters of the period by that of Earl Gillemichael.

Alexander upon all who failed to attend the *Hosting* against Donald Mac Niel, was settled at Perth, on the second Thursday in Lent, "by all the Judges of *Scotia*;" condemnation was pronounced against Gillescop Mahohegan on "the Tuesday before St. Denis" at Edinburgh, "by all the united Judges of Galloway and Scotland;" the "Judges of Galloway" assessed the fine for a breach of the king's peace; and when the king crossed the borders of a province in his great circuit, all the Judges of the district were still bound, in the reign of William, to be in attendance upon the royal court until it reached the frontiers of another province. Pure blood and property qualified the Teuton to be chosen as a *Scabinus*, but the Celtic Judge seéms to have been selected from a family of *Brehons*.*

It was probably, then, upon a system acknowledging the usual Ordeals of water and iron, the Wager of battle, and Compurgation "by oath sworn on the altar, according to the custom of Scotland," and in which justice was generally administered by the district, provincial, or royal judge, whether inheriting his office, nominated by the crown, or chosen as arbiter in the public *Moot*, that David introduced the "Jugement del Pais" or *Visnet*; which must have, ere long, replaced the judgment of the earlier Brehon, or Deempster, by the verdict of "the good men of the country," or the leading proprietary of the neighbourhood. Henceforth judgment was to be given by "the free-tenants, suitors of the Court," sentence only being pronounced according to their verdict by the Judge, Sheriff, Alderman, or Bailiff, who was bound to leave the Court during their deliberation; and in process of time, the representative of

* *Stat. Alex., II.*, 2-3. *Assize Will.* 26. *Vide* also *Will.* 22.

the ancient president of the Gaelic Court of justice sunk so low, that the holder of the office of Deempster, which had long been shifted upon the lowest official of the law, no longer appeared at all in Court, except to pronounce that sentence of death which he himself was bound to execute—he was the *Hangman*. Every man, whether Earl, Baron, Vavassor, or Burgess, was entitled to be tried by his Peers, though one of lesser standing might be judged by the verdict of his superiors. Damages, or the amount of injuries sustained, were to be assessed by men of credit—*fide-digni*, the "unlying witnesses" of Athelstan's Laws; and in challenge of battle, the sum deposited was to be estimated, not according to the claim of the challenger, but by "the assize of the good country," the "body of the defender" being reckoned as one-third of the amount; whilst if a man accused of theft could prove, to the satisfaction of a similar jury, that the complainant had never possessed as much property as he charged the accused with stealing, the latter was to be at once acquitted by their verdict. Jurisdiction in the four greater causes known as "the Crown-pleas"—murder, rape, robbery, and fire-raising—was removed from the lesser Courts, no Alderman or Baron's Bailiff being permitted to try such cases unless by special mandate of the Justiciary or "his attorney;" and it was ordered, that in every county a royal *Moot* was to be held "within forty days," or six week's after the issue of the king's writ, which was to be attended by the Bishop, the Earl, the Vicecomes, and by every free proprietor who was "Lord of a Vill." All direct appeals to the king were prohibited, except in cases connected with the Crown-pleas, or where the officials in a lesser Court had failed to do their duty; and if the last law, ascribed

to David, is not misplaced, all questions connected with property and inheritance were to be referred to the decision of "the assize of the good country." The heir, no longer chosen according to the Law of Tanistry, by the kindred, was to be declared successor by the voice of "the good men of the neighbourhood;" whilst the claimant of property held by another —he who urged that he had been unjustly *disseised*— was not to support his claim by an appeal to the sword, but to submit it to the verdict of a similar jury.* The older system, however, appears to have been reluctantly abandoned, or at any rate to have died out very gradually; and in Galloway, which, after its closer union with the rest of Scotland, retained its peculiar code until the days of the first Edward and Robert Bruce, the *Visnet* was the exception and not the rule, none being judged according to its provisions except they refused the older law, and claimed *Visnet*. The Ordeal, the Wager of battle, and the Wager of Law, long held their ground side by side with the Verdict of the "good men and

* *Assize David*, 4-8, 12, 24, 25, 35. If the law about Mortancestrie and Novel Disseisin is correctly ascribed to David, it would be not a little remarkable, for the change was only introduced into the English law by Henry the Second, according to the highest testimony, Glanville (l. 1, c. 11-21, *quoted by Blackstone*). Such changes generally travelled northwards, and will be found in England before they took root in Scotland. Thus the attempt of James I. to establish a representative system amongst the lesser freeholders in Scotland is surely traceable to his residence in England, where a similar system was actually established by Henry IV. The regulation ascribed to David, however, is not identical with "the Grand Assize," which was constituted by appointing four knights in every sheriffdom, who were to choose twelve others. By the Scottish law such questions were to be decided by the ordinary "Assize of the good country of twelve men." By Welsh law all questions relating to succession to property were to be decided by the *Henduriad Gwlad*— the senior *Gwrdha*, or good men of the country—the judge pronouncing according to their decision, which was known as *Dedfryd Gwlad*, or the verdict of the country (*Wootton*, l. 2, c. 10). Whether this regulation was original, or derived from the principle introduced by Henry II., I cannot say.

true," for most of the ordinary trials of "Common Pleas;" and it seems doubtful even if in other quarters besides Galloway it were not open to the contending parties, at a much later period, to choose between the "Jugement del Pais," and the misnamed "Judgment of God."*

Another of the innovations upon "ancient custom," traceable apparently to the reigns of Alexander and David, though more particularly to the reign of the latter king, was the introduction of the written charter as the necessary evidence of the right to freehold property. It was long before any of the northern nations attached importance to the written documents, which were at the basis of the whole system of free rights, or property, held by Roman law. He who was freed "by tablet" ranked merely as a Roman citizen, reckoned at half the value of the man freed in open Court "by casting the *denarius;*" and when the horn of the Graphio summoned the *Voisinage* around the body of the murdered man, or when the suspended shield of the Centenarius marked the spot where the *Mall* was to be held, the parchment *writ* would have been unheeded by the Frank living by Salic Law, or despised as an unmeaning formula of *the Roman*. Liability was transferred, or responsibility was shifted, by casting a small stick into the lap, or by throwing a handful of earth, in open *Mall*, or before witnesses; and allodial right was alone

* Amongst the *Fragmenta*, *Act. Parl. Scot.*, vol. 1, p. 383, s. 29, is one which lays down the rules for the judicial combat, adding that in cases of *Disseisin* it was optional for the parties to choose the Wager of battle or the Verdict of the good country, either course to be decisive. It is difficult to determine whether this must be regarded as a fragment of Galloway law, or as one of those retrogressions which were incidental to the state of Scottish society after the English wars. The *Quon. Attach.*, 35, 36, however, allude to the *Breve de Disseisin et de Mortancestrie* as the only familiar legal process, which would appear to place the fragment in question amongst the Galloway laws.

acquired by undisputed possession for a term of years, or by descent. The earliest application of the Roman principle appears in the royal grant equivalent to the Franc-Alleu-noble—the permanent alienation of a certain portion of the Fiscal or Folk-land, in which, by ancient custom, the king, or the community, held a life interest alone: a similar process, some centuries later, converting the Benefice into the hereditary Feud, held by written charter. The royal grant of *Bocland* had long been familiar to the Anglo-Saxons as the sole known form of permanent property; but the Benefice, rather than the chartered Feud, was its equivalent amongst the Normans in the earlier part of the eleventh century; and when they adopted the Charter after the Conquest, it was always in the old Anglo-Saxon form, which can scarcely be supposed to have been brought from the Continental Duchy; and it was accordingly in this form that it penetrated subsequently into Scotland."*

It is only from indirect evidence that it can be gathered that the Charter became necessary, to prove the existence of freehold right, from the time of David. The charters ascribed to Duncan II., and Edgar, were connected with the Saxon Church of Dur-

* As the founders of the Norman kingdoms southward of the Alps were ignorant of the hereditary feud; as no charters are traceable in the Norman duchy until many years after the Conquest; and as the charters by which the Anglo-Normans held their English possessions were unquestionably framed upon the Anglo-Saxon model; it would appear as if such documents, familiar to the Anglo-Saxons, were comparatively unknown to, or unused by, their conquerors. In the thirteenth century, when Earl Warenne was called upon to produce the title by which he held his lands, he laid his sword upon the table; nor can the few remaining holders of lands, which their ancestors possessed at the date of Domesday, show any other title than that of the great Earl. Yet are we generally told that the Normans oppressed the Anglo-Saxons by the introduction of novel feudal tenures. *Sac* and *Soc*, *Tol* and *Team*, *Infangthief* and *Outfangthief*, were scarcely brought from Normandy.

ham. They were attested, apparently, by witnesses of Saxon, or Danish, descent, connected probably with the diocese—Ligulf of Bamborough, for example—and drawn up by Saxon monks after the manner of their own country; so that they afford no proof whatever of the existence, or the necessity, of public, much less of private, documents of this description beyond the Forth at the opening of the twelfth century; and when Alexander restored to the Church the lands which had lapsed to the kings of Scotland, as hereditary abbots of St. Andrews, the re-grant was completed with all the studied ceremonial and display of "ancient custom."* A different course, indeed, was adopted at Scone; when, for the first time, perhaps, was displayed the unwonted spectacle of six Gaelic Mormaors affixing crosses to the signatures, which some clerkly scribe had attached to a written docu-

* The charters will be found in the Introduction to "Robertson's Index." The witnesses, all of whom have Saxon or Danish names, are sometimes supposed to represent the Scottish Court; and the total absence of all Gaelic names is assumed as a proof of the total exclusion of the native race from the court and councils of their sovereign. But this total absence is in itself suspicious. Where are the Gaelic Earls who were invariably the first to attest the great charters of Alexander and David? In the Foundation Charter of Dunfermlyn, David confirms the grants of his father Malcolm, his mother Margaret, and of his brothers Duncan, Edgar, Ethelred, and Alexander; all of which must have been made according to "ancient custom," or the charters, would have been forthcoming in the Dunfermlyn Registry; and as the sole known charters of Duncan and Edgar are connected with Durham, whilst their grants made beyond the Forth were not confirmed by any written document, it would appear as if these Durham charters had been written and witnessed *at Durham*, and that no argument can be drawn from the names of the attesting witnesses about the composition of the Scottish Court, The title of "Basileus Scottorum," applied to Edgar, will never be found in any Scottish charter, but it occurs frequently in Anglo-Saxon documents. It was the policy of the Scottish kings of that period to keep up a connection with Durham; and it must be always recollected that there was less difference between the Angles separated by the Tweed, than between the Angles and Anglo-Danes separated by the Tees. The chosen standard of David—the Dragon of Wessex—speaks volumes of the pretensions which the sons of Margaret were very ready to keep alive amongst a population, which was not included in the Domesday survey.

ment, confirming a munificent donation of lands and privileges to the royal foundation: but no private charters can be traced to an earlier date than the reign of David, who appears to have first introduced them into his principality of Scottish Cumbria. No law or enactment of any description has been left on the subject; but a statute of William, by which all who were found guilty of forging a royal charter were to be placed "at the king's mercy"—the forgery of a similar grant from a subject being also punishable, but as a minor offence—affords the surest evidence of the necessity of a charter, at that period, in proof of freehold rights.* The habit of forging such evidence must have arisen out of the necessity of a written title-deed, a similar necessity accounting for the multiplicity of such forgeries in southern Britain; where a legend was occasionally framed for a similar purpose, or a saint appeared in a vision to afford miraculous, but suspicious, testimony about the extent and privileges of his ancient patrimony. Henceforth the Charter marked the Freeholder, or the member of the Community of the Realm; and whilst in southern Britain knight-service was the test of gentle birth, the holder by free socage, and the Kentish Gaveller, being only classed amongst the yeomanry, in Scotland a similar test was afforded by the Charter; and in the reign of Alexander II., all who were knights, sons of knights, or holders of any portion of a knight's fee, and all who held their lands by free service, or by "fie-de-hauberc," hereditarily and by charter, ranked, with their sons, as men of free and gentle birth, who could appear in the lists by their champion; the churl-born tenant of land, the man of ignoble birth, and all who had neither free tenement,

* *Assize Will.* 8.

nor free parentage, being bound to appear in person. It was from the former class that the "good men and true" were chosen to perform the duties of the *Voisinage*, and before the middle of the thirteenth century none could be sworn to hold inquest touching "the life or limbs of a land or *grass* holding man," except, "good men and true, freeholders by charter."*

It can scarcely, then, be doubted that David was the originator of that important change by which a fixed title to land was acquired, produceable when necessary in proof of ownership—a change which, in connection with the formal perambulation of boundaries, in the presence of "the good men and true," must have done much to put a stop to those constant disputes about proprietorship, which had hitherto been settled by the sword. David is often represented, in modern times, as the exterminator of his fellow-countrymen, granting their lands to foreigners, and driving out the native Scottish race, or enslaving them beneath the yoke of alien masters—a course that could have hardly earned the character ascribed to him by his friend and biographer Ailred, "he was beloved by his own people the Scots, and feared by the men of Galloway." It would be nearer the truth, perhaps, to describe him as the great confirmer of proprietary right throughout the settled portion of his kingdom; and it still seems possible to point out the method which was adopted to carry out his purpose. By a law of a much later period it was decided that the freeholder was not bound to produce his charter to

* *Stat. Alex. II.* 8, 15. The two classes were "Miles vel filius militis, vel aliquis libere tenens in feodo militari, vel aliquis alius terram suam aliquo modo tenens per cartam in feodo, per liberum servitium, vel per fie de hauberk, vel eorum filii;" and "Firmarii de rusticis nati, vel qui in vili prosapia fuerint sive rustici, vel aliqui alii qui liberum tenementum non habent, nec libertatem prosapiæ."

his overlord more than once, after which it was to be returned to him immediately. It may be gathered, from this regulation, that there were occasions on which the landholder might be required to prove his title to ownership; and the kings of Scotland, at a later period, are sometimes found amongst the Western Highlands demanding charters, and confiscating the property, or rather the freehold rights, of all who could not produce the necessary title-deed. Thus, at the opening of the fourteenth century, every Vicecomes was commanded to attend "our council," with the other magnates of the realm, and to warn his bailies, amongst other duties, "to summon all who have, without license, entered upon lands alienated after the death of our predecessor Alexander, to show their right to do so"—a right which could only be proved by a written document. How such a title was originally acquired may be gathered from the example of Eogan, Thane of Rothenec, who appeared at Inverness on the Monday before St. Andrew's Day, in the year 1262, and in the presence of the Bishop of Ross, the Justiciary of Scotland, and the Sheriff of Elgin, proved to the satisfaction of the good men and true of the neighbourhood, that the lands of Mefth, with a house in Elgin Castle, which had been given by William to Yothre Mac Gillies, had been held uninterruptedly by Eogan and Angus, son and grandson of the first recipient of the grant; passing from the last-named Angus to his son Eogan, the actual Thane of Rothenec, who was thus the fourth in descent from the original holder. The written and attested verdict of the good men and true, formed, from this time forward, the chartered title-deed of the lands of Mefth; and it may be conjectured that, at the first introduction of the Charter,

all who claimed the right of freehold proprietorship were bound to attend the royal *Moot*, and prove to the satisfaction of the good men and true, the necessary qualification of three descents of ownership. He who was thus qualified could claim a charter as his title from the king, earl, thane, or ecclesiastical superior, of whom he held his lands; whilst in the case of all who failed in proving the necessary qualification, it would remain in the power of their overlord, either to confirm their proprietorship by the wished-for title, or to enter upon the land as lapsed "demesne."*

From this period two classes of Freeholders, besides the Earls and greater Barons, may be traced in Scotland, who may be compared to the Vavassors or Mesné tenants of the corresponding era in Southern Britain; the holders by knight-service, who grew into the *Lairds*, or lesser Barons, of a later age; and the holders by Scottish service, who were, with few exceptions, confined to the northward of the Forth.† The latter were the Thanes, who, on the occasion of the festivities at York in 1251, when Paris notices the presence of more than sixty Scottish knights, were also in attendance upon their youthful sovereign, at least in equal numbers.‡ The lowest amongst the

* *Quon Attach.* 18. *Act. Parl. Scot.*, p. 91-92. So when it was proved to the satisfaction of a similar jury that Crane, his son Sweyn, and his grandson Simon, had held, uninterruptedly, the office of *Janitor* of Montrose Castle, with the lands attached to it (originally a grant of William to Crane), the five daughters of Simon—the fourth in descent—were pronounced heiresses *in fee.*—*Ib.*, p. 90. The invariable *three descents* appear to have conferred hereditary right.

† A Thane of Haddington is the sole instance that I am aware of in the Lothians; and yet the Scottish Thane is often derived from a Saxon original! For "Scottish Service," *Vide* ch. viii. p. 208, *note.* As *Scotus* as much meant a *Gael* as *Flandrensis* meant a Fleming, or *Galweiensis* a native of Galloway, the great Border clan of *Scott* must have been settlers from beyond the Forth.

‡ *Mat. Par. ad an.* 1251, p. 554.

Freeholders appears to have been the proprietor of half a plough-land—the eighth part of a *Davoch* or of a *Fief de Hauberk*—containing fifty-two Scottish acres; the holder of that amount of land, by free service, and by charter, answering to the proprietor of the Half-holding, wherever the Imperial Law of the Benefice was acknowledged, who, though widely changed in character, is still known in the United Kingdom as "the forty shilling freeholder." The Quarter-holding of two *ox-gangs*, or twenty-six Scottish acres, answering to the Anglo-Saxon *Virgate* or quarter-hyde, and known in many parts of Scotland as the *Husband-land*, gave no pretensions originally to freehold rights.* Scottish service was probably most popular in early times with the native Scots, for it accorded best with their custom of planting the junior branches of the family upon the land, liable to rent, as well as to general military service—a system which may have also had its attractions in the eyes of the greater Barons, who held their own lands by knight-service of the Crown—but it died out gradually in the more settled portions of the kingdom; and, in the case of certain well-known families, the charters can still be produced by which the ancestral Thanedom was converted into a Barony. The earlier system was traceable in the Highlands as late as the opening of the seventeenth century, when the proprietors were divided into Lords, Lairds—greater and lesser Barons—and royal Bailies of lands, the latter holding in fee-farm, and answering to the Thanes of an earlier period.† The patronymic, as distinguished from the surname, still lingered in the same quarter, where the *Tighern* was known for his descent, rather

* *Appendix D.*

† *Col. de Reb. Alb.*, p. 35, No. viii.

than from his property, though the custom was even then fast giving way; and at the present time, in no part of the United Kingdom is the territorial appellation so generally used as in the Scottish Highlands, where "the Laird" is often better known by the name of his property than by his own surname. A similar change had been in progress in ancient *Scotia* long before it penetrated to the wilds of *Moravia* and Argyle; and after the introduction of the charter, when the privileges of free and gentle birth, hitherto attached to a certain degree of relationship to a thane, were transferred to the chartered freehold, the freeholder, whether of native or foreign origin, gradually became known from his barony or freehold; and as none but the greater Norman barons were distinguished, as at present, by a separate surname, the property itself supplied a designation for its owner. Thus by degrees the whole of the freehold proprietary, without distinction of race, relinquishing the shifting patronymic which had hitherto belonged as much to the Saxon and the Northman as to the Gael, adopted surnames from those chartered properties, which ensured to them the privileges of free and gentle birth, which had formerly attached to descent.*

If David may be looked upon as the regulator of the "Two Estates,"—the Clergy, and the Baronage and Freeholders connected with the land,—he may be regarded as the founder of the "Third Estate" in Scotland, the actual creator of the free population

* I allude to names like Mac Caillin More, Vich Alaister More, Mac Connuil Dhuy, and others distinct from surnames. In *Appendix R* I have given my reasons at greater length for doubting the theory which assumes that the first holder of a charter was always a foreign settler, and that every territorial name—every name with a *de*—necessarily implies a foreign descent. De Ergadia, de Insulis, de Carrick, de Galloway, de Strathbogie, de Atholia, de Abernethy, de Ogilvy, and many others, attest the contrary.

connected with the towns. An intramural population was an anomaly amongst the people of the North, and in their older codes no provision was made for a free proprietary dwelling in towns, land, and land only, being connected with freedom and hereditary right. It is only in the old Burgundian code that the craftsman connected with the city is mentioned, and he was placed by the regulations of Gundobald upon a servile footing. It scarcely admits of a doubt, indeed, that a civic population, for which no provision was made in any Germanic code, must have lived, whether free or servile, by Roman law, retaining probably their original institutions, after they survived the first fury of the storm, without much interference from their conquerors; nor would the privileges subsequently belonging to free towns have been of much moment, had there not been a time when all such communities were neither free nor privileged. Britain, however, was peculiarly situated, no Roman population remaining to preserve the civilized institutions of imperial despotism, side by side with the rude, but free, traditions of their Anglo-Saxon conquerors—most fortunately for the liberties of England—and as no regulations for a free civic proprietary are traceable in the earlier Anglo-Saxon laws, it may be doubted whether any such proprietary existed. The shattered remnants of the old Roman cities of the island became the property of the owners of the district in which they were situated—petty kings and Ealdormen originally, like Hrofa and Cissa, who gave their names to Hrofa's *ceaster* and Cissa's *ceaster*, *Rochester* and *Chichester;* and latterly the sovereign of one of the greater states, or the nobleman to whom he entrusted the district—the population remaining probably on a *Lætic* or dependant footing, the

Teutonic element entering very little into its composition in early times. The British *town*, according to Cæsar, was a portion of the forest separated from the rest by a bank and ditch, the Briton in time of danger securing his cattle and family within the precincts of this "circumvallation;" and as amongst several of the Germanic tribes the same word *Wic* meant *a grove, a temple*, and *a town*, it may be surmised that the original *Wick* was a portion of the forest similarly encircled with a bank and ditch, and used as a temple for the gods, and a place of security in times of danger, instead of the caves which, in the days of Tacitus, appear to have been used, for places of concealment rather than for defence. London-*wic* and other British towns may have occasionally supplied the place of such earlier and ruder "places of strength," the resident population remaining on a dependant footing, and the freeholders of the vicinity not habitually dwelling within the walls, but sheltering themselves behind them in times of danger; for the *Tun* of the Gesithcundman was scarcely capable of defence, and the Ceorl's *Hedge* was only calculated to keep out cattle. Such seems to have been the case at the time of the Danish wars, when the walls were seldom of a more formidable construction than a strong wooden palisade, and were easily broken through at the great battle of York. As soon as he had saved the monarchy, Alfred directed his attention, as much to remedying this defect, as to reviving letters amongst his subjects, or building ships to protect the coast, constantly impressing the necessity of building *Burhs* upon his Reeves and Ealdormen, and providing skilled artificers—a sure test of the ignorance of such arts amongst his own people—to carry out his projects. London-*wic*,

plundered and ruined by the Danes, arose from its ashes as London-*burh*, and was made over—*geset* or let—by Alfred to his daughter's husband, the Mercian Ealdorman. The history of the next reign, after Edward was once securely seated on his throne, is one continual record of the progress of *Burh*-building and *Hlaford-socn*—or Commendation—the *Burh-bote*, a permanent obligation attached to all property held of the crown, whether church-land or thegn-land, binding the churchman or thegn to keep in repair the *Burh* with which his land was connected, such associations being entered into for defence, not for trade; and it would be a grave error to mistake the Anglo-Danish confederacy of "the Five Burghs," or the men of London-Burgh in the days of Athelstane—the *Burh-Thegns* as they are often called—whose Bishops and Reeves were bound to keep the peace, as ordered by the king and his Witan, for mercantile or trading communities. The rules laid down by the London Reeves and Bishops at this period will be found to relate to tracing stolen cattle, and keeping their "Hirdmen" in order; but it is vain to look for the regulations about trades and craftsmen, which will be found invariably in later Burghal laws.*

* *Asser. in Mon. Hist. Brit.*, vol. 1, p. 474, 492, 493. Also *Appendix F.* Defence seems everywhere to have been the original bond of union in burghs—defence against the Moors, for instance, in Spain; but where the Goth and the Roman had dwelt, in a certain sense, on an equality long before they amalgamated, an intramural population, with Roman traditions and Roman law, must have existed many a year before it was recognised as a separate "Estate" in return for defending towns against the infidel. In the great German Burghs the *Traders* were originally a separate class from the *Burghers*, and the distinction is still traceable in those regulations of the Scottish burghs which denied admittance to the Guild privileges to all who worked at certain trades with their own hands. What was the previous condition of the Traders—what their state before their town became a *Burh* with privileged defenders, amongst whom they were gradually enrolled? At the best, it must have resembled that of other *Fiscalini*, and few "full-born" Teutons could have entered willingly into such communities until

Amongst the innovations introduced by the Normans, it may be read in the Saxon Chronicle how "they wrought castles throughout the land," novelties to the people of the country, who seem to have retained much of that old Germanic aversion to castles which is traceable in the Frison law against building stone walls above a certain height; and accordingly from this time the Scots no longer swept the country in their invasions to the gates of Durham, but were stopped at Werk, Norham, and other feudal strongholds which they were obliged to invest, or if

they went as free and privileged defenders of a *Burh*, rather than as members of a class which they looked upon as inferior and unprivileged. Their arms and their free rights they carried with them—the one was identical with the other in the olden time—becoming free members of a civic, as they had previously been of a rural association, and following such civic occupations as were not considered derogatory to the dignity of a Freeman. Germanic law long ignored written documents, and the customs of the Burgh were mostly in accordance with that older allodial system which the progress of Roman innovation stamped as *Roturier*. Men possessed property in land long before it was secured by written documents, and many a burgh had been in the enjoyment of rights and privileges by unwritten law long before it was thought necessary to obtain the sanction of a feudal charter, which must no more be regarded as necessarily creating a new burgh, than as necessarily introducing a foreign settler into Scotland, and eradicating a native proprietor. In both cases the charter was often only confirmatory of pre-existing rights. But it would be erroneous to imagine that the Teutonic Burghs ever existed as independent associations against "the tyranny of the noble class." Some notice of such a state of society, had it existed, would surely be traceable in the regulations of the Carlovingian era. It was this very class, lay or ecclesiastical, who joined with the sovereign in building *Burghs* for defence, or introducing free burghers into towns which had hitherto been unfree and comparatively defenceless. The spirit of antagonism arose with the increasing power of the greater burghs. In England the *Burgh* arose out of the necessities of the Danish invasion; and if a Teutonic element existed previously amongst the resident intramural population, it was scarcely on the footing of Burgh-*Thegns*. There is no word in the Anglo-Saxon language expressive of a free and trading community associated within walls. The *Burh* was originally the place of strength, and the inhabitants of *Bebba's Burh* were surely not traders. *Wic* is a very vague word, and *Ceaster* unquestionably of Roman origin. The latter is the word most often found in the translation of Beda—as in London-*Ceaster*, and *Eofer-wic-ceaster*—and as the *Wealh* remained at the basis of the population in the rural districts, a similar element probably supplied the bulk of the inhabitants of the *Ceaster* before its conversion into a *Burh* introduced the Teutonic *Burh-Thegn*.

they advanced further into the country, to blockade. The royal castle was now attached to the royal burgh, and its garrison provided by the knights who held their lands by the tenure of castle-guard; the neighbouring gentry probably, differing little from the thegns who in earlier times had been bound to keep the burgh in repair. The name of Burgher henceforth undoubtedly belonged only to the actual possessors of property within the walls, the bulk of whom had probably from the earliest period of their location within burgh formed the commercial part —the Twyhyndmen, as the Upland thegns were the Twelfhyndmen—of the community. It was the Anglo-Norman Burgh, with its feudal castle, and its civic population distinct and separate from the garrison, which was the model of the burghs established, or confirmed, by David beyond the Tweed. It may be doubted whether any free communities engaged in commerce, and occupying walled towns, were in existence much before this reign even in the Lothians, though the germs of such societies may have existed at Scone, Edinburgh, Stirling, and other places, which were of a certain importance at that early period. Had there been burghs or walled towns in any part of Saxon Northumbria before the close of the eleventh century, the invading Scots would have surely been checked before they reached the gates of Durham; the unopposed incursion of the Second Constantine as far as the Tees marking apparently the non-existence, in that quarter, of any walled town in the middle of the tenth century, capable of arresting the progress of a hostile force. As the sees of Glasgow and St. Andrews may be regarded as the models left by David for the regulation of the other Scottish bishoprics, so the *Hanse* or community of the Four Burghs of

Roxburgh, Berwick, Edinburgh, and Stirling, was the leading commercial association of the same reign, all other burghs as they grew into existence conforming to its rules and ordinances; and as the *Hanse* was composed of four burghs, so each Burgh seems to have been originally divided into four Wards—in strict accordance with the theory which divided in a similar way the great rural association of the shire into four quarters. Over every Ward was placed a Bailie, a type of the rural "Mair of the Quarter," and sometimes known, like the President of the Frison Quarter, as the *Ferthyngman;* the leading personage being the Burgh-Reeve, or Provost, annually chosen, with the Bailies and Bedells, by the community of the Burghers in the first Burgh-Moot held after Michaelmas.* Complete self-government, indeed, was conferred, from the outset, upon the Scottish Burghers

* *Leg. Burg* 70, 71. The *Hanse* was simply that kindred association, known as the *Hant-Gemahl*, without which no Teuton seems in early times to have been entitled to "free right." (*Appendix F.*) The Northerns carried with them into the *Burh* their old customs, this association amongst the number. A *Hanse* seems strictly to have been an association of *four;* there were *four* classes of towns in the great Hanseatic League, of which Hamburg, Bremen, Lubeck, and Cologne were "the Four Burghs." When Roxburgh and Berwick fell into the hands of the English, Lanark and Linlithgow were added to complete the necessary number of *four* Scottish Burghs. The *Northern* Burgh seems to have been simply the reproduction of the rural system within the walls, the Burgh-Thanes, or probi homines, of London, who chose their *Tything-men* and *Hynden-men*—representing the *Tuns*-men of the country districts—who also chose their *Head-borough* and Hundred's Ealdor. Neither originally chose their *Gerefa*. I cannot look upon the Northern Burgh as simply a repetition of the Roman city, or the Roman city, with its Roman customs, enfranchised, and its citizens, living by Roman law, converted into burghers. The *Hanse* was scarcely Roman, but it was a necessary ingredient in the *free right* of every "full-born" Teuton. "Bare is back without brother behind it," says the old northern proverb. The *Echevin* was a thoroughly Teutonic personage, the Scabinus, or *Scepen*, of the rural district; and wherever such features are traceable "in-burgh," I must look upon the original burghers, not as a trading class enfranchised, but rather as a class of free Teutons introduced *above* the traders for defence—carrying arms for the defence of the country being the mark of freedom—and introducing with them the free *allodial* customs of the rural districts.

by a sovereign who was desirous of attracting such a class to his kingdom; and the enlightened policy of David, together with the state of peace and prosperity which he secured for the whole of the North of England, as well as for the settled portion of his own kingdom, soon filled the walled towns, which rapidly sprung up on every side, with a crowd of willing settlers from Southern Britain and Flanders, who were guaranteed the enjoyment of even more than the usual freedom and privileges under the royal protection. They were to be judged by their own chosen magistrates, by "the verdict of their peers"—a privilege shared, indeed, with every Scottish freeholder—and according to the laws and assize of the Burgh, sanctioned by the community, and regulated by the Provost and twelve leading men. As in the case of the Baron's Court, the crown pleas were withdrawn from the jurisdiction of the Provost and Bailies, but the royal justiciary, or his deputy, sat in the Burgh-Court; the verdict was given by the "good men and true" of the community; and no summons made by a royal serjeant was valid, unless he was accompanied by the Town Bedell. Every burgher was bound to possess at least one rood of land in the burgh, for which he paid five pence yearly to the king; and to swear fealty to the sovereign, the magistrates, and the community of the burgh—for the tie which bound the burgher was the old fealty of the *Leud*, not the homage of the *Antrustion* with its attendant obligations; he plighted his troth with his hand upon the Sacred Volume, not placed between the hands of his overlord "after the Frank custom."

The Anglo-Saxon Burgher, and the member of the great Hanseatic Burghs of northern Germany, were thoroughly Teutonic personages, owing little, if anything, directly to Rome and her municipal institutions, in early times, I should imagine.

In this, and in other points, burgage-tenure much resembled the tenures of socage, and of gavelkind, which approached the earlier allodial custom, looked upon in later times as *Roturier;* but from Merchet, Heriot, and other exactions which had passed, with the principles of service and dependance, into many of the tenures of the age, the Scottish Burgher was exempt; as well as from the wardship which was attached to knight-service. The heir, if a minor, remained with his "chattels" in the custody of his mother's relatives, the father's kindred taking the charge of the "heritage;" this heritage being strictly entailed upon the heir, who could stop those death-bed transfers of property which were occasionally suggested by designing personages, whether lay or clerical. Under certain circumstances, such as the fear of starvation, even the Allod might be parted with; and similarly the "Capital Messuage" might be sold, or the property alienated, if the heir was either unwilling, or unable, to relieve his father's necessities, or to pay his father's debts; the Burghal Code justifying this exception from the ordinary rule by the admission that "nede has na law." Twelve witnesses were required for the purchase of a burgage tenement, the twelve next door neighbours apparently, who stood in the place of the kindred of earlier times —the occupants of the four houses on either side and of the four immediately opposite; and if the tenement was held without dispute for a year and a day—the period which also seems, from time immemorial, to have conferred the right of participating in the privileges of "the neighbourhood" in the rural districts—it became the absolute property of the purchaser, unless the former owner could show that he was a minor, or beyond sea, at the time of the purchase. The

perfect freedom of burgage tenure was ensured by the provision that "If any man's *thryll*, baron's or knight's, comes to the burgh and buys a burgage, and dwells in his burgage a twelvemonth and a day, without challenge of his lord or his baillie, he shall be ever more free as a burgess within that king's burgh, and enjoy the freedom of that burgh;" an enactment, not so much aimed at encouraging fugitive native-men from the rural districts to settle in the towns, as against a previous state of society which still exists in Russia—or existed lately—in which the bondman might rise to wealth and station as a citizen, without shaking off the thraldom which bound him to his original proprietor. As, after the enfranchisement of towns, the undisputed possession of a burgage tenement for a year and a day conferred the proprietorship of a freehold, it necessarily carried with it, like the gift of arms at an earlier period, the indisputable rights of a freeholder.*

Every fortnight a *Moot* was held within the

* *Leg. Burg*, 1, 2, 6, 7, 10, 15, 17, 98, 101, 106, 107, 110, 112. Such seems to have been the real meaning of this provision—it eliminated the servile element from amongst the burgherhood. A native-man might run away from his district, but how could he take with him the property to purchase a burgage-tenement? *Stock* was his property, and it is difficult to conceive how he could carry the stock with him, or sell it, unknown to his lord, with all the machinery of witnesses and warrenter required for sales and purchases. But it is easy to imagine how the settlement of native-men in the towns may have been encouraged by their lords as a source of private profit. The whole trading class was once probably on such a footing, and the greater the wealth acquired by the trader, the more would he have paid for permission to remain away from his district—for he was not necessarily a *slave* in the modern acceptation of the word, but "inborn" to a certain district, from which he could not separate himself without his lord's permission. He who settled in a town, and prospered in his unfree condition, if he aspired to become a free burgher, must, in all ordinary cases, have bought his freedom from his lord—as in the case of Renald *prepositus* of Berwick in 1247—and after enjoying his tenement for a year and a day no further claim could be raised against him. *Vide Scotland in the Middle Ages*, p. 142. It was admission to the Guild in a Free burgh that conferred the same privileges in England. *Vide Glanville*, l. 5, c. 5.

burgh, at which every burgher within the walls was bound to be present—in winter, before *Undern*, or nine o'clock in the morning; and at *Midmorn* during the summer—a greater Burgh-moot being assembled at Michaelmas, Christmas, and Easter, at which the presence of every upland burgher was also required, their absence being punished by the highest fine levied—the full forfeiture—as the burgher who dwelt without the walls was excused attendance upon the lesser moots. The general Burgh-moot was evidently a relic of the time before the separation of the Castle from the Burgh, when the upland thegns were bound, under heavy penalty, to meet three times a-year to fulfil the duties of their tenure; the lesser moots, and the general regulations of the burgh having been probably left very much to the *Twyhyndmen* who dwelt within the walls. A watch was established for the security of the town; and at the stroke of a staff upon the door, an inmate was bound to come forth from every burgher's house, and, armed with two weapons, to join in keeping watch and ward over the sleeping burgh from *couvre-feu* to *cock-crow*, the houses of widows alone being exempted from this duty. The trades were under the general superintendence of the *Probi homines*, or leading men of the burgh, and some of their regulations are remarkable. The baker whose bread was not made and placed openly, in the window, for sale, was fined "full forfeiture," and his bread confiscated for the use of the poor—a somewhat questionable method of disposing of it, if the law was to punish its adulteration. The provision dealer was obliged to sell all that was in his house beyond the value of fourpence, if required, on the plea that it was public property—an enactment levelled, probably, against hoarding provi-

sions in a time of scarcity for private use, or for profit; for when famines were of frequent occurrence, the dealer in the necessaries of life might be tempted to speculate in his neighbour's need. The dignity of the magistracy was kept up by prohibiting any Provost, Bailie, or Bedell, from making bread, or brewing ale, for sale; and of the burgher-hood, by excluding from its privileges every dyer, butcher, or tanner, who worked at his calling with his own hands. If he aspired to become a member of the guild, the business was to be deputed to other hands, whom he was only to superintend as "a master." Cloth appears to have been the staple product of the time, and wool was as jealously guarded as in England, none but a burgher being allowed to buy it, for the purposes of dying, or cloth-making. An occasional difficulty with "the hands," as at present, appears to have arisen, though from different causes; but the age was less scrupulous, and the *Kemester*, or woolcomber, who tried to escape to the Upland, might at once be committed to the town-jail, on the plea that there was work to be done. The runaway was not invariably a fugitive from the rural districts. It was a hard age for the dependant classes wherever they were; and the "bondman in-burgh" may at times have cast many a wistful glance towards the blue hills in the distance. Monopoly and exclusive dealing were only in accordance with the spirit and policy of the age; and must inevitably have arisen in every quarter, when it was enacted that every sale and purchase should be made "in port," and in the presence of witnesses chosen "in burgh;" which must, of course, have concentrated all the traffic of the district connected with the burgh in the hands of the resident population. The subdivision of the Hundred

was unknown in Scotland, and accordingly such privileges occasionally extended over the whole County or Sheriffdom; as in Edinburgh, and as in the case of Perth; where, perhaps in consequence of this wide monopoly, the unprivileged trader from other quarters was allowed to retail cloth during the summer, from Ascension Day to the 1st of August; though ordinarily the privileges of the burgh were only suspended during Fair-time. The Fair was in some respects a sort of regulated Saturnalia; none but the outlaw, the traitor, and the malefactor whose crime was of too deep a dye to admit of sanctuary, could be taken during its continuance; all else, whether debtors, runaways, or minor offenders of any description, being free from arrest, except they broke "the peace of the Fair," when they were tried and punished, not by the ordinary magistrates of the burgh, but in a temporary Court, known universally as the Court of *Pies-poudrees*, or *Dusty-feet*. The Dusty-foot was the travelling pedlar, or merchant as he was called in Scotland, the original of the modern Haberdasher—or "man with a *Havresac*;" and as, in Fair-time, the *Stallenger*, or trader who sold from a temporary stall, or booth, could claim "*lot and cavyl*"—share and share—with the more dignified Burgher, with whom for the time he was upon an equality, it would have been contrary to the true northern principle of justice if he had been liable to be tried and punished in a strange Court, and by any other verdict than that of "his Peers," the Community, for the time being, of the Fair. The Dusty-foot probably came by land, and only entered the burgh for traffic during Fair-time; but the sea, or the river, bore the vessel of the foreign trader to the burgh at all times, though, except when it was other-

wise provided, as at Perth during summer time, the burghers alone could dispose of the traders' wares, only salt or herrings being sold on board ship. All disputes between a foreign trader and a burgher were to be settled before the third flood of the tide.*

No Burgh was complete without a Hospital—no royal Burgh without a Castle. Leprosy was the disease of the age—a never-ceasing plague, entailed by unwholesome food, a want of vegetables, and the salted meat and fish, which formed invariably the winter diet, not a little aided by uncleanliness. Every one struck with leprosy within the walls was to be removed at once to the *Spittal;* and if he had nothing of his own, a collection of twenty shillings—a considerable sum for the time—was to be raised for his support. If the pauper was not cured by the time the money was spent, he was probably dismissed as incurable, and classed amongst the confirmed lepers, who were forbidden to enter any town, but were allowed to sit at the gate and beg. By the Law of Scotland it was allowable to give "Herbary" to a stranger for one night without question, but if he stayed beyond that period the host was answerable for the guest, and bound to produce him before the proper officer. Even this relic of the unstinted hospitality of early times was dispensed with in the case of this dreaded disease; and he who shel-

* *Leg. Burg.*, 3, 8, 9, 20, 47, 54, 59, 60, 67, 75, 81, 86, 94, 103. *Scotland in the Middle Ages*, p. 159-162. The full forfeiture in Burgh amounted to 8 shillings, or one-quarter of the ordinary fine of 8 cows—the half *leod-gild*—levied in the country districts. Washing the feet, in the olden time, implied an intention of stopping and accepting hospitality; and the *Dustyfoot* got his name from passing onwards. The follower of the Celtic lord was sometimes known as the *Gillie-wetfoot*, from wearing no shoes or stockings, a practice to which the Scottish peasantry long clung—an incidental testimony of the prevalence of the native element amongst that class.

tered a leper within the walls was liable to the heaviest fine inflicted, "the full forfeiture." Similar arrangements were once in force in every burgh; as in London, for instance, where the *Spittal Fields* were the open meadows around the Hospital for Lepers, who were allowed to ask for alms at the *Cripples Gate*, a spot which the charitable may have sought out, but which a larger class must, most assuredly, have shunned.*

The royal burgh was under the rule of its chosen magistrates, but the royal castle was under the charge of the Constable appointed by the king, this office often becoming hereditary in the family on which it was originally conferred. Forty days were fixed as the period of service on castle-guard, which, like everything else towards the decline of the Feudal system, was gradually compounded for by a money payment to the Constable; who, in other words, performed the service with his own retainers, and exacted the usual fine, or its equivalent, for the non-attendance of the party bound by the tenure of his land to undertake such service. This custom, however, had scarcely grown into general use in the reign of David, for it was one of the provisions of Magna Charta that no Constable should summon a knight to perform castle-guard whilst he was serving in the king's army, nor exact the fine for non-attendance when he was ready to perform the service in person, or by proper substitute. Freedom from arrest was one of the privileges attached to castle-guard, as well as to service in the king's "host," lasting, like the similar privilege of Parliament, which still exists, for the whole period of service; the same exemption being extended to all who were in attendance on their

* *Leg. Burg.* 58. *Assize Dav.* 3.

duties in the county, or who were sent to the burgh to buy provisions for their lord. The Bailie of the castle was empowered to borrow of a burgher goods to the amount of forty pence, and for a period not exceeding forty days; but it was at the option of the lender to increase the amount of the loan beyond that sum, or to defer the time of payment beyond the forty days. At Easter, Whitsuntide, and Christmas, a "castellan" was entitled to demand from a burgher pigs, geese, or chickens, "for the king's need;" but if the burgher could close his door no entry might be forced—his house was his castle, according to the well-known English saying—but the castellan might catch and kill any of the burgher's stock that he found beyond bounds, paying the price at which the neighbourhood assessed the articles. The probable object of both these regulations was to ensure the garrison a fair supply of necessaries without entailing too heavy a burden upon the townsmen. In all disputes, if a castellan complained of wrong, he was to claim his right in the Court of the Burgh; and if the burgher considered himself aggrieved he was to carry his plaint to the Castle gate. On these occasions there appears to have been a mixed jury, as in the trial of an alien at the present day, "the peers" of each party furnishing a portion; such at least seems to have been the case in the following trial in the castle of Dumfries for the homicide of a burgher, the party charged with the offence being an Uplandman, probably on castle-guard, as he was tried in the place appointed for appeals against a castellan. Adam, the miller of Dumfries, meeting Richard, son of Robert Elias's son, in the churchyard of St. Fabian and St. Sebastian in the castle, abused him as a thief, "because he was a Galloway man"—a species of

reasoning still sometimes current in cases of unpopular nationality. On the following Thursday, when Adam was standing in the doorway of a house, a woman called out to him that Richard was coming up the street, warning him to be on his guard. "My knife is as sharp as his," replied the miller; attacking Richard at once, who drew his sword and struck Adam with the flat side of the weapon. The miller closed his arm upon the sword, and in disengaging it sharply, Richard inflicted a mortal wound upon his assailant, exclaiming, on seeing the catastrophe, "you caused your own death." All the Burghers testified on oath that Richard was a man of good repute, but that Adam was a rogue; and the "Barons" concurring, an unanimous verdict of acquittal was pronounced. Barons and Burghers both seem to have been concerned in this trial, which affords a very fair specimen of the lawless manners of the age, and of the advantages of the "jugement del pais" over the earlier system expressed in the legal axiom "buy the spear or bear it"—pay the *were* or stand the feud.*

Such were the leading regulations of David's community of Burghs. They correspond closely with the ancient customs of Newcastle, to which indeed allusion is made in the Burghal Code, the English community having been consulted apparently upon the law of inheritance;† and there can be little doubt that the Anglo-Norman Burgh, itself in most respects a confirmation of the Anglo-Saxon, except where the custom of Borough-English existed, was the model for the burghs introduced by David throughout the land. In imitation of their sovereign, the

* *Leg. Burg* 3, 33, 46, 55, 102. *Mag. Chart.* ii. 29. *Act. Parl. Scot.*, vol. 1, p. 87, 88.

† *Leg. Burg* 99. This is clearly shown by Mr. Innes in his "*Scotland in the Middle Ages*," p. 154.

greater magnates, lay and ecclesiastical, occasionally enfranchised their towns, or founded burghs, filling them with a class of freemen on a footing with the royal burghers, though the latter were reckoned higher in the social scale, and were privileged to decline the challenge of a member of a lesser burgh; just as the *Scepenbar* man, who could count his "four ancestors and his *hant-gemahl*," was entitled to refuse the challenge of his equal in position who was not his equal in blood.* The royal burghs generally retained their ascendancy, though not invariably; for in spite of the jealous rivalry of Dunbarton and Rutherglen, upon the margin of her own fair river, the great episcopal city of Glasgow has long been acknowledged the undisputed mistress of the western waters. The original burghers, as a class, were, with few exceptions, of foreign origin, emigrants from southern Britain, and not unfrequently Flemings; as in Berwick, where the Flemings long dwelt apart as a separate guild.† It was long before the native element entered largely amongst the privileged civic population, clinging to Scottish customs and to the rural districts, especially in the distant North, where the towns must have long stood out like commercial garrisons in a disaffected, and not unfrequently a hostile, country. Not the least amongst the many changes introduced by the burgher class beyond the Forth was the diffusion of the language hitherto only spoken to the southward of that river, a Teutonic dialect spreading over the

* *Leg. Burg* 13. *Appendix F.*

† *Newbridge*, l. 2, c. 24. He is quite borne out by the Chartularies. Malmesbury gives a description of Ireland in the reign of Henry the First, which, with a due allowance for the prejudices of the historian, was probably not inapplicable at one time to Scotland. "Ita pro penuria imo pro inscientia cultorum, jejunum omnium bonorum solum, agrestem et squalidam multitudinem Hibernensium *extra urbes* producit; Angli vero et Franci, cultiore genere vitæ, *urbes nundinarum commercio inhabitant.*"—*Gest. Reg.*, l. 5, sec. 409.

country, as in Ireland, with the gradual preponderance of the intramural population, a similar result being traceable in France, though under exactly opposite circumstances; for the language spoken in towns, where men congregate together in large numbers, will always prevail over the dialects of a rural and scattered population. It would be difficult to over-estimate the utility of the burgher class to the Scotland of that period, or its influence in promoting the amelioration and prosperity of the country. The increase it brought to the revenue, though perhaps one of its greatest advantages in the opinion of the age, was comparatively of secondary importance. The invariable tendency of such a class has always been to favour peace, order, and civilization, as long as it has occupied its natural position; for it is only when a burgherhood has become over-powerful that it has afforded as frequent examples as a nobility, or an *autocracy*, of the inability of human nature in any condition to withstand the evil influences of unlimited power. Such was not the case in Britain, where the burgherhood has never occupied the same position as the great communities of Flanders, of Germany, or of Northern Italy. It would be of little use to speculate upon what might have happened had England remained under the rule of a feeble, or an "unkindly" king—of Edgar Atheling or Harold—with her great provincial *Jarls*, like the Dukes of France, distracting the country with their contentions for power. Great burgher communities might have arisen, especially in the Danelage, where the Socmen, representatives of the *Land-agende* men, or Odal-Bonders, of an earlier period, were exactly the class to form a martial burgherhood; but such a future was not to be. In neither England nor Scotland

has the civic class ever been the sole depositary of the ancient northern principles of self-government, as on the Continent; where the *Echevin*, the representative of the ancient *Scepenbar* Freeholder, who could alone pass judgment upon his equal, has for centuries been confined to the towns. It may be read in the Capitularies of the Carlovingian era, how it was offered to the ancestry of the French nobility to declare the law they would live by, and their choice was destined to be unfortunate; for wherever the hand of Imperial Rome is traceable, it has sown the seeds of future despotism. In every part of Britain, however, there was but one law for Baron and for Burgher, framed upon the principles of the free north; and much as we may be indebted to the civic portion of our "Third Estate," the institutions of which we are so justly proud, were not preserved by their intervention. It is well that in the days of old there were other parties engaged in the struggle; for where is the example that history can furnish of a contest for liberty successfully carried out by an unassisted Burgherhood?*

The Court was not forgotten in the reforming zeal of David, and following up the innovations, which seem to have been first introduced by Alex-

* Counts and judges (Scabini) were to name the law they would live by, and judge accordingly—"Comites et judices confiteantur qua lege vivere debent, et secundum ipsam judicent," *Pertz. Leg.*, vol. 1, Capit. p. 101, sec. 48. So the Romans were to choose the law they would live by—*Do. Hlot. Const. Rom., ad an* 824, p. 239-40. Hundred Court and Tithing Court, Scabinus and Sagibaro, all the machinery of the free Salic law, gradually disappeared, until the government of the people, whose very name was once synonymous with freedom, was expressed in the words "l'etat c'est moi." It must always be recollected that our Third Estate differs in a most important particular from the *Tiers Etat*, or Bourgeoisie, of the Continent. It includes the *Minores Barones*, the representatives of the *Meliores pagenses* or *Probi homines;* to whose keeping the free institutions of our ancestors were committed long before the existence of a Burgherhood.

ander, he assimilated the Scottish Court to the Anglo-Norman model, with which both brothers must have been familiar. It must not be supposed, however, that before this period a Court was unknown in Scotland; but it was probably of a primitive character, even after the innovations of Queen Margaret. Howel Dha is supposed to have laid down certain regulations, about the middle of the tenth century, for his Court in Wales; and without putting faith in the apocryphal ordinances ascribed to Malcolm the Second, it may be safely assumed that Scotland, in the eleventh century, was at least as far advanced in this respect as Wales in the tenth. Fordun, who gives to Crinan the title of Abthane of Dull and Seneschal of the Isles, describes the Abthane as the Head of all the royal Thanes; and though the title is evidently an error, the office may have been a reality, for it would have been simply identical with that of the Welsh Distyn, the Lord High Steward or Seneschal. In every Scottish Earldom the Seneschal was next in authority to the Earl—his Deputy or Maor, who appeared in his place at the greater Shire Moots appointed by William; and Crinan may have filled such an office under the king. The feature most worthy of remark, however, in the constitution of the Welsh Court, was the rank and position of the royal attendants, the highest alone—the Distyn—being on a footing with the Chief, and the royal officials of the Commot; while only the leading Court officials were on a level with the Breyr, or noble proprietor; and the other members of the household ranked only just above the Boneddig, or Lesser Freeman. Dignity of the highest description, therefore, was not attached at this period to service about the royal person; and the classes from which the Welsh

king chose his courtiers and attendants were the lesser freemen, and the dependants known as *Mab aillts*, rather than the noble class which furnished the Maors and Cynghellwrs.*

It must not be imagined that this was a Welsh or a Celtic peculiarity, for there was a time when the *Hird*, or Court, of the Frank kings was of a yet more primitive description, the attendants in the Hird being all on a servile footing, known as *Scalcs*, and chosen most probably from the subordinate race. The Household appears to have been under the superintendence of the *Scne-scalc*—perhaps the Senior Slave—the Stable under the *March-scalc*, officials who seem to be traceable amongst the Anglo-Saxons in the *Wealh-gerefa* and the royal *Horswealh*, the latter raised by his office to the footing of a *Ceorl*.† Totally unconnected with the servile classes, and in the absence of the sovereign exercising royal authority over the whole kingdom, as well as over the Household, was the Deputy, the "Dux et Major Domus regni Francorum," more familiarly known as the *Maire du Palais*, whose original Teutonic title was probably the *Stallr*. The office was originally elective, the Franks choosing the Deputy as well as the actual sovereign; and it must in some respects have resembled that of the Celtic *Tascio*. It latterly became hereditary, as is well known, in the family of Pepin and Charles Martel, who monopolized the office in Austrasia and Neustrasia, until they exchanged the title

* *Fordun*, l. 4, c. 43. *Appendix E. Welsh Gwerth.*

† *Leg. Ini*, 23. The Wealh-gerefa occurs in the Saxon Chronicle, and had no reference to *Wales*. The meaning of Seneschal and Mareschal has been generally sought in the Teutonic dialects; but perhaps they are to be numbered amongst those composite words so often met with. *March* is certainly more Celtic than Teutonic; and *Sen* is very like the Celtic word for *Senior*. *Steel-bow*, that mysterious appellation for *ferreum perus*, is another instance in which the first part is Teutonic, the last the Celtic *Bo*, or *cattle*.

of Maire du Palais for that of king. No other great official besides the Stallr is traceable in the Norwegian Court, for which, at the opening of the eleventh century, Olive the Saint framed regulations, which must have been adopted for the usages of other Courts of the same period; though the use of the word *Hus-Carles*, both there and in England, may point to the gradual replacement of the *scalc* by the freeman about the royal person. The progress of Roman innovation soon necessitated the presence of officials whom the simpler institutions of the north ignored; and to receive the offerings of the fiscal tenantry, made in lieu of the *feorm*, *veitzslo*, or actual support afforded to the sovereign and his retinue, a *Camera*, or treasure-chamber, was required; the leading *Camerarius*, or Chamberlain, the Lord High Treasurer of the age, becoming, as purse-bearer, a most important member of the Court. The charter next became a necessary document to attest the possession of proprietary right; and accordingly, in the early part of the ninth century, it was ordered in the Frank Capitularies, "that there should be chosen everywhere good and true Chancellors, to write public charters before the Comes, Scabini, and Vicarii."* Much more, then, was it necessary that a similar official should be in attendance at the fountain-head of all chartered grants, and consequently the royal *Cancellarius* became another most important attendant upon the royal person, the clerkly attributes required for the Chancellorship naturally placing it in the hands of the clergy. Most of these changes were probably introduced amongst the Franks after their king had been converted into the *Kaiser* of the West; and as the old Allodial Stallr disappeared with the institutions

* *Const. Hloth. ad an* 823. *Pertz Leg.* vol. I. p. 232.

of which he was a part, the office, which raised a subject to such a dangerous proximity to the throne, seems to have been divided between his subordinates. His leadership in war fell to the share of the *Constable*, the commander of the royal armies, in the absence of the king, whose name is derived from the same title of Stallr, held by a Comes, or Graphio, instead of by the *Heretoga* of the whole kingdom. The *Mareschal* had not yet arrived at the leadership of the army; his duties were still connected with the horse, but they had increased in dignity with the growing importance of the *Chevalerie;* for though not the head of the army, the representative of the royal farrier had become the captain and leader of the *Chivalry* of the age. The judicial functions of the Stallr were performed by the *Grand Justiciary*, the President of the royal Courts of Law; whilst the *Seneschal*, who, though he retained his servile name, had, like the Mareschal, long discarded his servile origin, rose to the office of "Maire du Palais;" and in France he was also supreme over all the justiciaries. In Germany the Stallr was unknown, the Dukes of the Alamanni, Bavarians, and Saxons, having themselves been originally, in some sort, the Stallrs or Deputies of the king of the Franks; and by the time that the Empire passed to the eastward of the Rhine, the Court had become thoroughly Romanized, the Allodial Stallr never forming any part of it. His functions were accordingly divided between his two leading subordinates, the Seneschal and the Mareschal, the former being the *Pfaltz Graf*, or Count Palatine, and representing the Maire du Palais; whilst the Mareschal was the *Heretoga*, and leader of the host. Together with the three Chancellors and the Chamberlain, they were the first to give their votes at the

election of a *Kaiser*, whom they were bound to accompany to Rome; and, in later times, with the subsequent addition of the Grand Butler, they were known as the seven Electors, monopolizing amongst themselves the sole choice of the Emperor.

Little can be said of the composition of the Anglo-Saxon Court after the establishment of the sole monarchy by the race of Alfred, though it was scarcely framed at first upon the Roman model, resembling rather that of Wales or Norway, or the Teutonic *Hird*, after the freeman rather than the noble had replaced the *scalc*. A nearer advance towards the usages of the Feudal era is disclosed in a charter of the Confessor's reign, attested apparently by the royal court, the great *Jarls* or Dukes being the leading witnesses amongst the laity; and next to them in importance the Stallr, known under his Latin title of "Regiæ procurator Aulæ," probably the Constable. The *Aulicus* seems to be the next official—he may have been the Chamberlain—and the *Palatinus*, perhaps the Pfaltz Graf, or Seneschal of the Household; followed by the *Chancellor*, whose office was deemed at this time of scarcely sufficient importance to be held by one of the higher clergy. The *Butlers* of the king and queen, with three *Stewards*, close the list; two of the latter being attached to the king, whilst the other was in attendance upon the queen.* The Justiciary and the great Feudal functionary, whose name is still identified with military command, are missed from the Court of the Confessor; the Anglo-Saxons were not a race

* *Cod. Dip. Sax.* No. 813. Osgar, "regiæ procurator aulæ," is styled in 855 and 872, Osgar Stallr. The office was held previously by Osgod Clapa, a great Dane, who was outlawed in 1046 (*Sax. Chron.*) It may have been introduced by Canute; but the district, over which the Constable subsequently held jurisdiction, is first alluded to in the laws of Athelstan.

of horsemen—chivalry and the Mareschal came in with the Normans.

Some of these officials may have been introduced into the Scottish Court by Margaret, but with the exception of the Constable, the Justiciary, and the Chancellor, who appear in the time of Alexander, none of the great Feudal dignitaries who were in constant attendance upon the royal court in the middle ages are to be met with in the few existing charters which date before the reign of David. The earliest Constable on record was Edward, son of Siward, who fully justified the confidence of Alexander and David on the field of Stickathrow, the office—of which the jurisdiction, like that of the ancient Stallr, extended over all the country within a certain distance of the royal person—after the death of Edward, becoming hereditary in the great Norman family of De Moreville. Alan, son of Flahald, was another noble of the same race, who, like most of the actual followers of the Conqueror, crossed the Channel before the general use of surnames had arisen amongst the Normans, and upon his son, Walter, David conferred the hereditary Seneschalship of the realm; his descendants, it need hardly be added, deriving their name of Stewart from the dignity thus acquired by their ancestor. Neither the Chamberlain nor the Mareschal held their offices by a similar hereditary tenure; the former in the capacity of royal treasurer, exercising supreme sway over the Third Estate, who paid the largest ordinary contributions into the treasury; holding his "Courts of Eyre" or circuits, and presiding in the great assembly of the burghs; whilst the Mareschal was the supreme judge and referee in Courts of Honour and of Chivalry. The Justiciary and the Chancellor

completed the six greater dignitaries of the Scottish Feudal Court, Constantine, Earl of Fife, being Justiciary at the opening of David's reign, the only Gaelic Earl who appears at that time amongst the leading courtiers holding office. Service about the royal person was scarcely yet regarded as befitting the great Gaelic Mormaors, and as the Court henceforth was in reality the Supreme Council of the kingdom, the preponderance of the Feudal element in the direction of affairs was quickly developed.

Such were the leading features of David's civil policy; the state of the Scottish Church, and the changes introduced during the course of this reign, will be the subject of the ensuing chapter. The influence of David upon his native country has been compared to that of Alfred upon England, and of Charlemagne upon a wider sphere, but in some respects it was of a different character. Alfred was the saviour of the Anglo-Saxon race from complete subjection to the Danes, and though he can scarcely be called a king of England, he was the real founder of the monarchy. Within the limits of his ancestral dominions, and of the rescued principality of English Mercia, he was the reviver of letters; the creator of a navy; the reformer of the army, upon which he expended a third of his revenue; and, as the builder of walled towns, he may in a certain sense be regarded as the originator of a burgherhood; but, like Charlemagne, he was a collector and not a maker of laws, the constitutional institutions which have been attributed to him belonging, unquestionably, to other periods. His was a policy of defence not of aggrandisement—not even of amalgamation beyond the limits of the Anglo-Saxon race—of defence by sea and on land; of renovation rather than of innovation,

for it was not an era for the development of great constitutional changes. But David was a mighty innovator, scarcely reviving anything except bishoprics; and even in his ecclesiastical policy, in all other respects, he was equally an innovator. He instituted a feudal court, a feudal nobility, and feudal tenures, governing the country upon feudal principles; for the great dignitaries of the court, in his time, were not merely the holders of honorary offices, but the actual ministers of the crown. He introduced the charter into general use, confirming proprietary right throughout the kingdom, the earls and freeholders by ancient Scottish tenure, henceforth standing, side by side, with the new noblesse and their vavassors, until all difference insensibly disappeared. He created a burgherhood, and laid down a novel Code of Law, by which the earlier system was gradually superseded by the principle still acknowledged—"the verdict of the neighbourhood." Augustus found Rome brick and left her marble; but David found Scotland built of wattles and left her framed in granite, castles and monasteries studding the land in every direction. He found her a pastoral country, and before the close of his reign she is described as the granary of her neighbours; and though the expressions of Ailred are probably exaggerated, as an exporting country she must have made considerable progress in agriculture. England may trace the germs of her monarchy to Alfred, and of the union of her people under one sovereign, though it was certainly not consummated in Alfred's time. First amongst the Cæsars of the Western Empire stands Charlemagne, scarcely, however, the originator of the mighty results of that revival which still continue to influence the continent of Europe. But of feudal and historical Scotland;

of the Scotland which counts Edinburgh amongst her fairest cities, and Glasgow, as well as Perth and Aberdeen; of the familiar Scotland of Bruce and of the Stewarts, David was unquestionably the creator. With the close of the eleventh century ancient Gaelic Alban gradually fades into the background, and before the middle of the twelfth, modern Scotland has already risen into existence.

CHAPTER X.

THE CHURCH.

At some remote and long-forgotten period, Christianity was first preached amongst the Provincials of Britain; and it became the established religion of the Romanized portion of the island after the great revolution effected by Constantine. Three British bishops accordingly sat at the Council of Arles, as representatives of the three Imperial provinces; and the presence of a similar deputation from the island is occasionally noticed in the accounts of other important councils. After the Faith had reached Britain from the neighbouring coasts of Gaul, it appears to have passed across the western Channel into Ireland—for there were believers in that country at the beginning of the fifth century;* although, from the success attending the labours of St. Patrick amongst the leading clans of the north and west, the conversion of the whole island has been generally attributed to the preaching of that celebrated missionary. From the date usually ascribed to the arrival of Patrick in Ireland, it is not improbable that his mission to that country was connected with one of the visits of Ger-

* Ad Scotos *in Christum credentes*, ordinatur a Papa Cælestino Palladius, et primus episcopus mittitur. Such are the words of Prosper of Aquitaine in his Chronicle, *ad an.* 431. Not only were there *believers* amongst the Irish at this time, but *heretics*, according to Jerome. The Pelagian heresy was sometimes called *Pultis Scottorum*. *Vide* the authorities, etc., quoted by O'Connor in *Rer. Hib. Scrip. Vet.*, vol. i. p. lxxi.

manus and his companions to the neighbouring island of Britain.* The progress of the Pelagian heresy in the country of which its originator was a native, had excited the alarm of the orthodox Britons, who craved the assistance of their brethren in Gaul to aid them in eradicating the evil, and at a council which was held by the heads of the Gallican Church, Germanus and Lupus, the bishops of Auxerre and Troyes, were commissioned to cross the Channel, and refute the doctrines of the arch-heretic Pelagius; whilst about the same time, the notice of Celestine, Bishop of Rome, being attracted towards the state of the West, he dispatched Palladius, the Deacon, to exercise episcopal functions amongst the Irish believers in the name of Christ.† The actions of Palladius

* The date 432 is usually assigned to the arrival of St. Patrick in Ireland. There is nothing by which the real accuracy of this date can be tested, and it wears a very suspicious appearance, as if it had been originally fixed upon to favour the usual story of Patrick's ordination by Pope Celestine, who died in that year. One of the earliest traditions about the Irish Saint—that contained in Nennius—couples "Bishop Germanus," with Pope Celestine, and "Victor the Angel of God," as the originators of Patrick's mission, adding, that Germanus sent "Bishop Severus" with Patrick. *Severus* was the companion of Germanus in his second expedition into Britain. In the old poem ascribed to Fiech (given by O'Connor as above, p. xc.) Patrick is said to have remained in southern Gaul and studied the Canons with *Germanus*. The fable of the Angel Victor is evidently founded on the following passage in the *Confession of Patrick*:—"Et ibi scilicet vidi in visu, nocte, *virum* venientem quasi de Hiberione, *cui nomen Victoricius*, cum epistolis innumerabilibus, et dedit mihi unam ex illis, et legi principium epistolæ continentem Vox Hiberionacum." The saint's dream of the arrival of the human Victoricius from Ireland with a letter, bearing the prayers of the Irish to convert them, was magnified in after times into the miraculous appearance of the angel Victor from heaven.

† Prosper, *Chron.* 431. He affirms that Pope Celestine deputed Germanus at the instance of Palladius (*Chron.* 429). Constantius of Lyons, in his life of Germanus, never alludes to the Pope, but attributes the mission of Germanus and Lupus to a Council of Gallican Bishops, assembled on account of the representations of the British Church. Beda, who must have had both accounts before him (for he quotes from both authorities), has literally transcribed the narrative of Constantius; and as he must have had some reason for this preference, I do not feel inclined to dissent from the venerable historian. Some clue may perhaps be afforded to the reasons for such opposite versions of the same

have long been consigned to oblivion, but the name of Patrick is still venerated as the great Apostle of the Truth to Ireland.*

Born of parents of senatorial rank in one of the British provinces, at the age of sixteen Patrick was carried off by a party of marauders, and sold as a slave amongst the northern Irish.† Six years he passed in captivity before he was enabled to effect his escape; and upwards of twenty more elapsed, the greater part of which he probably spent amongst the monasteries of Gaul, before he returned to settle in the land of his birth, where his kindred earnestly entreated him to remain. But he had long felt an ardent desire to effect the conversion of the heathen Irish, and listening at length to the promptings of his fervent zeal, he revisited the scene of his early captivity, and undertook the holy task in which he was destined to be blessed with such complete success. His lengthened residence in Gaul must have familiarised him with the system so prevalent in that quarter; and the manner in which Patrick appears to have planted his religious communities throughout the provinces of

story, by the remark of the Benedictine compiler of *L'Art de verifier les Dates, etc.*, "Ce pape (Zozimus) l'année précédente (*i. e.*, 417) avait accordé le Vicariat du Saint Siege dans les Gaules à Patrocle, Evêque d'Arles; *c'était une nouveauté pour les Gaules, ou elle excita de grandes contestations.*" Prosper may have chosen to give a colouring to the proceeding which the Gallican Bishops would have been unwilling, at that time, to admit.

* The scene of the labours of Palladius has been transferred to Scotland, a change of which Prosper appears to have been profoundly ignorant.

† "Ingenuus fui secundum carnem, Decorione patre nascor," are the words in his epistle to Coroticus. According to the *Confession*, Patrick was about sixteen years old when he was carried off to Ireland, whither he returned to preach Christianity about thirty years afterwards. It is curious to contrast the numerous miracles ascribed to his early youth and childhood by Jocelyn and others with the ingenuous admission in the *Confession*, of the temporary errors of his youthful days, and of his carelessness and *unbelief* from infancy until his captivity. The *Confession* and *Epistle to Coroticus* will be found in *Rer. Hib. Scrip. Vet.*, vol. i. p. cvii.

Ireland, evinces the extent to which he had been affected by the monastic spirit of the age.

Eusebius, Bishop of Vercelli, about the middle of the fourth century, was the first to introduce into Western Europe the custom of the bishop and his clergy residing together according to monastic rule, and to familiarize the inhabitants of cities with the presence of ascetics, hitherto confined to the desert and the wilderness. His example was followed by Augustine of Hippo, and Martin of Tours; and through the latter, the founder of monachism in the Gallic provinces, the system appears to have penetrated into the British Isles. Beda has left upon record a description of the Church of Lindisfarne, founded by Aidan in the best days of the Gaelic Church, which identifies the customs of that bishopric, still remaining in force at the time of the Norman Conquest, with the practice of Eusebius and Augustine.* Nor is it necessary to adduce the traditionary relationship between St. Martin and the Apostle of Ireland, as a proof how largely the Churches, which preceded the mission of Austin to the Anglo-Saxons, must have been indebted for their characteristic features to the celebrated Bishop of Tours.†

Many of the Gaelic monasteries were founded in remote and inaccessible situations; but the most important appear to have been placed, in exact imitation

* *Vit. St. Cudb.*, cap. 16.

† It is difficult to conceive how the sister of the *Pannonian* Martin could have been the wife of the *British* Calphurnius; and the story probably arose from the *spiritual* relationship of St. Martin to the Apostle of Ireland. Ninian, the converter of the southern Picts, is also sometimes called a nephew of Martin. The dedication of the churches of Canterbury, Whithern, and Hereford, with the Irish Abbey at Cologne, to St. Martin, together with "the Gospel of St. Martin," long preserved at Derry, and supposed to have been brought from Tours by St. Patrick, attest the veneration in which the name of the founder of monachism in Gaul was held throughout Britain and Ireland in early times.

of the Abbey of Tours, at a short distance from the capital, or chief fortress, of the neighbourhood. Such was the case at Armagh, Lindisfarne, and St. Martins near Canterbury—that ancient British church which is said to have retained the early privilege of maintaining a bishop within its walls down to the time of the Norman Conquest.* Here the bishop dwelt with his clergy, and the rest of the brethren, of whom the great majority were laymen. All were bound to the observance of the same Rule; and all, as monks, were under the superintendence of the abbot of the community. In one point, however, a wide difference was observable between the constitution of the Gaelic Church, and the ecclesiastical system elsewhere prevailing; and this peculiar variation from the general rule may, in a great degree, be attributed to the circumstances under which monachism was originally introduced amongst the Gaelic people.

After Christianity became the religion of the Roman Empire, the ecclesiastical system was naturally much influenced by the political institutions of a highly civilized and artificial state of society. The bishop and the city were inseparably connected; the diocese was not unfrequently bounded by the city walls; and when a large country district was included within the limits of the episcopal jurisdiction, the Diocesan was assisted by one or more Chorepiscopi, or Country Bishops, whose duties were strictly confined to that part of the diocese from which their name was originally derived. Nothing, indeed, more convincingly demonstrates how completely the Christianity of early times must have been confined to the

* *Mabillon, Hist. Bened.*, l. x. c. 17. In the Rule of St. Columba, the first injunction is, "Be alone in a separate place near a chief city."—*Colton's Visitation, I. A. S., Appendix D.*

cities of the Empire, than the epithet of *Pagans*, or "Country people," which was used to distinguish those who persisted in adhering to the antiquated superstitions of their heathen forefathers. To the two great Christian divisions of clergy and laity, a third was added, when the increasing multitudes of ascetics and anchorites were collected by various pious men, and established in communities as cænobites; and when the ordination of certain members of the fraternity—which in early times was exclusively composed of laymen—and the introduction of the system into cities, brought these societies within the jurisdiction of the bishop, the authority of the Secular Head of the diocese clashed with that of the Regular Superior of the monastery, and frequently became a matter of dispute. Accordingly, the submission of the monks to the Diocesan, in ecclesiastical matters, was strictly enforced, by the rule laid down in various councils of the fifth and sixth centuries, "that no monastery should be erected without the consent of the bishop of the diocese." In societies already existing, the limits of episcopal and abbatial jurisdiction were carefully defined, whilst a few monasteries preserved the privilege of retaining within their walls a bishop expressly for their own community, as was the case in the abbeys of St. Denis, and of St. Martin at Tours.

Such was the manner in which the abbot eventually assumed a subordinate position beneath the recognized Head of the clerical order, wherever the monastery was introduced upon a state of society, amongst which a settled ecclesiastical system had long prevailed. But neither regular dioceses, nor secular clergy, existed in Ireland at the time when Patrick disseminated throughout that country the

rule, and the discipline, with which he had become familiarized in Gaul. Monachism may be said to have brought in Christianity; and the Faith was ingrafted on the Rule, rather than the Rule on the Faith. The monastery was all in all, and the whole scheme of Church government was based upon a monastic foundation. Instead of dioceses under the jurisdiction of metropolitan and suffragan bishops, wide districts were under the sway of different monasteries, the greater number dependant upon some leading community, like that of Armagh, or Iona. It is not to be supposed, however, that there were no bishops.* Every monastic establishment of any pre-

* The Bishops of the Gaelic Church were ordained in the usual manner. Thus Finan, when he ordained Cedd, called in two other bishops to assist in performing the ceremony—*Beda, Hist. Eccl.*, l. iii., c. 22. But many probably were chorepiscopi, at whose ordination it was only requisite for one bishop to officiate. It was this order, long suppressed and forgotten in the Roman Church, that scandalized Lanfranc, Anselm, and others, in the eleventh and twelfth centuries. That the leading bishops of the Gaelic Church at this time were regularly ordained, may be inferred from the fact that there is no allusion to any *re-ordination* of bishops at the time when the Churches of Scotland and Ireland were remodelled. Perhaps "the dignity of Noble Bishop" (Uasal Escop., *Vide A.F.M.*, 1106), may allude to the superior or episcopal order, as opposed to the inferior or chorepiscopal. The want of a fixed diocese must have contributed to impress the Irish bishops with that character for wandering which was so much complained of in the ninth century. Bishops without a diocese, however, were not confined to the Irish Church, as at a much later period, Olaf the Saint had his "Hird-Bishop," whose peculiar duties must have attached him to the royal household. The necessity of episcopal ordination for the priesthood is implied in the story related of Columba by Adamnan, in his life of that saint. Upon hearing that Findchan, a priest, had "laid his hands" on the head of Aodh Dubh, to complete the ordination which the bishop had refused to proceed with, Columba exclaimed, "Illa manus dextra quam Findchanus, *contra fas et jus ecclesiasticum*, super caput filii perdicionis imposuit, mox computrescit." Much information about the early Irish Church is contained in Dr. Reeves' *Ecclesiastical Antiquities of Down*, etc., *Appendix A.* The custom of Iona, in the seventh century, as described by Beda, seems to have resembled the ancient custom of the Church of Alexandria, by which, "not the bishops, but twelve presbyters were the electors, nominators, and (according to Eutychius) consecrators.—(*Stanley's East. Church*, p. 266, note 2.) These twelve presbyters are very like the twelve Culdees who formed, as it were, *the Staff* of every Gaelic monastery.

tension possessed one bishop, sometimes several, within the walls; but as the prelate was without a diocese, he was in an anomalous, and in some measure in a subordinate situation. It was amongst the privileges of the monastery of Bobbio, founded in Italy by the Irish Columbanus, that the bishop of the diocese was never allowed to enter the precincts of the abbey except for clerical purposes alone; and the position in which the Italian prelate must have been placed, during the brief period for which he remained amongst the brotherhood of Bobbio, was the normal condition of a bishop in the Gaelic and British Churches. As a priest, he was the ecclesiastical Head of the whole community, upon whom he alone could confer orders; whilst as a monk he observed the same rule as the rest of the brethren, asserting no authority in this respect over the abbot, who, as the Regular Superior of the Fraternity, became in reality the leading churchman of the district.

Tithes and parishes were unknown, and the income of the community was originally derived exclusively from dues and altar offerings; though, by degrees, lands were conferred upon monasteries, fines were levied upon offenders against certain laws, and the greater abbots asserted their right to a *cuairt* or *visitation*, similar to that enjoyed by the secular princes of the age.* The promulgation of the different laws, of which the infringement was punish-

* As tithes were unknown, as *a fixed payment*, in Gaul for some time after the mission of St. Patrick, it is not surprising that the Scots and Irish were ignorant of them in the twelfth century. It was the custom of Aidan and his followers to build churches "per loca" (*Bed. Ecc. Hist.*, l. 3, c. 3), which appear to have been dependant on the monastery of the district. Thus, on the foundation of the regular diocese of Aberdeen, the monastery of Mortlach, with five churches and their lands, was made over to the new see. *Reg. Aberd.*, vol. 1, p. 5, 6. From the same Registry, p. lxxvii., it appears that the *Cuairt* was eventually compounded for by the payment of *Procurationes*.

able by fine, and the progresses of the great Abbots of Armagh upon their Visitations, with the tribute levied upon such occasions, are frequently to be met with in the Irish annalists after the commencement of the eighth century,* and as all fines, tributes, and other temporal advantages, fell to the share of the Regular Superior of the monastery, it is easy to conceive how the abbacy, rather than the bishopric, grew to be the object of an Irish or Scottish churchman's ambition.† About the same time occurs the first mention of a personage, second only in importance to the abbot—the Herenach, or lay tenant of the lands of the monastery, answering in many respects to the Advocatus Ecclesiæ upon the Continent. According to the invariable custom of the Gaelic system of tenure, the possessions of the community, or Termon lands, were made over to a tenant, generally some powerful chieftain of the neighbourhood, in whose family the office remained as an inalienable duchas, and who acted as the abbot's deputy, or maor, retaining the invariable *third* as his prerogative.‡

* Mr. Petrie (*Tara*, p. 172) enumerates four *Cains*—1. Cain Patraic, not to kill the clergy. 2. Cain Daire Chailleach (the nun), not to kill cows. 3. Cain Adomnan, not to kill women. 4. Cain Domnaig, or Sunday law. The *Riar Patraic* (Patrick's demand) is explained by Tighernach (*ad an.* 986), to mean *Cuairt eitir Cill 7 Tuaith*, "the Right of Visitation over Church and State" (or over Clergy and Laity). Dr. Reeves' preface to "*Primate Colston's Visitation*," *IAS.*, contains very full information on the subject of the early Irish Visitations. Inmesach is said to have introduced the custom in 721 (*Tigh.*), a few years after the Northern Irish, Pictish, and Scottish Churches had relinquished their early Cycle and Tonsure. The Cuairt was probably unknown to Patrick or Columba.

† Thus Lorcan O'Tuathal preferred the abbacy to the bishopric of Glendalough, though it may be questioned whether the choice of the Saint was as purely disinterested as is sometimes asserted. "In hac autem ecclesiâ et Episcopatus erat et Abbatia; sed Abbatia quoad temporales divitias longé erat Episcopatu opulentior."—*Ware Antiq.*, vol. 1, p. 312, 372.

‡ The first allusion to a Herenach occurs in *Tigh.* 605, *An. Ult.* 604, *A.F.M.* 601, but the office is not again met with before the close of the eighth

A hundred years passed away after the mission of St. Patrick before a diversity of Rules crept into the Gaelic church, and a different mode of celebrating the service was introduced, amongst some of the Irish monasteries, from Britain.* In another century

century. *Vide* Mr. O'Donovan's *Note O* to *A.F.M.*, 1179; though the description of the Herenach there quoted from Sir John Davies—paying a yearly rent to the Bishop, a fine upon the marriage of his daughter, and a subsidy to every Bishop on his first entry into the diocese; in other words, holding in fee-farm, with *merchet*, and relief, or payment for a renewal of his lease—applies rather to his character after the English settlement had reduced *Cowarbs* and *Herenachs* to a very different footing from their position in early times. The name of *Aircinneach*, meaning *Princeps*, "Head of the Kin," or *Overlord* (*Reeves, Adamn. N.* p. 364, note M), points to a high position. In a charter of the time of Otho I., dated in 952, a Count Hohold founds a convent, of which his sister is to be the first abbess, that dignity being always to be filled by a member of his race as long as it exists. He appoints himself *Advocatus Monasterii*, stipulating that the office should also be hereditary in his family (*Ducange in voc. Advocatus*). In Gaelic phraseology, then, the family of Hohold were hereditary *Cowarbs* and *Herenachs* of the monastery founded by their ancestor. The *Advocatus* first made his appearance in the church about the beginning of the fifth century—"post consulatum Stilliconis" (*Lind. Gloss. in Advocatus*), and the "tertia pars bannorum et tertius denarius" were amongst his privileges. "From "Colton's Visitation" it is evident that the old *Termon*, or Church lands, were divided into three portions, two belonging to the rector and his vicar, and the remaining *third* to the Herenach under the Bishop, to whom also belonged the "blood-fines," or *Eric*, the *overlord's prerogative*. From a charter quoted by Harris, c. 35, p. 233, it would appear that in the *Anglo-Irish* period, the *Rector* was often identical with the *Cowarb*, so that the two-thirds belonging to the Rector and Vicar represented the Abbot's portion of the Termon lands; and as in the *Gaelic* period the Bishop had no claim on the temporalities of the Church, it seems probable that the Herenach was originally the *lay-lord* of the Termon lands, holding them of the Abbot by the usual tenure of retaining *a third* of the fines and profits—tertia pars *bannorum*, et tertius denarius. After the Cowarbs became very generally laymen, they retained their portion of the Termon lands in their own hands, under the superintendence of their own stewards and deputies, and the office of Herenach, declining in importance, probably fell into the hands of less exalted members of the family. When the Gaelic Church system was superseded, the Herenach lands—Church lands held by a layman—appear to have been confiscated to supply an income for the Bishop, the former holders losing all their former claims upon "the thirds," and retaining only that small portion of the land which was their actual *duchas*, or freehold; whilst as the families of the greater Cowarbs were generally very powerful, they were often, probably, allowed to retain the *patronage to the Rectory* in their family, provided it was presented to an ecclesiastic.

* *Vide* the *Catalogus Sanctorum Hiberniæ* (attributed to Tirechan), in O'Connor's *Annotationes ad Sæculum*

arose the question about Easter and the Tonsure, causing a temporary breach between the churches of the South of Ireland—which conformed to the practice of the Western Church towards the middle of the seventh century—and the churches of the North which, together with those of the Picts and Scots, and their Anglo-Saxon followers, clung to their ancient usage till the close of the same century, or the beginning of the next, when the Britons alone remained consistent in their attachment to the Eastern tonsure, and to the erroneous cycle.* Long before the death

VI. *Rer. Hib. Script. Vet.*, vol. 2, p. 162. In the British monasteries the monks devoted themselves to manual labour, as at Bangor (*Bed. Hist. Eccl.*, l. 2, c. 2); but the Irish monks were generally of the *contemplative* order, as at Louth, the monastery of Mochta, the disciple of Patrick (*Tigh.* 534). In this they strictly followed the rule of St. Martin, in whose monastery at Tours contemplation was the business of the senior monks, whilst the younger brethren were employed in writing. *Vide Sulp. Sev. Vit. St. Martin*, c. 7. The contemplative life long continued to be the characteristic of the Gaelic monks. The Gallican Liturgy (Cursus Gallicanus) appears to have been in general use both in the British and Gaelic Churches; and according to an old MS. quoted by Usher, *Prim.* p. 185, it was introduced by Germanus and Lupus. The diversity of Rules remained to astonish the Papal Legate in the twelfth century, who mentions a singular fact that shows how deeply wedded the Irish monks must have been to their peculiar Rule. "Quid enim magis indecens aut schismaticum dici poterit, quam doctissimum unius ordinis in alterius Ecclesia idiotam et laicum fieri" (*Usher's Sylloge*, p. 77); by which the Bishop of Limerick seems to imply that the ordination of one order of monks was not acknowledged by another. This tendency to cling to a particular Rule was probably amongst the causes which led to the predominance over the Bishop of the Abbot, whose special duty was to preserve strictly the Rule of the Founder. There is no trace of any such narrow prejudice in favour of "the Rule," as that to which Bishop Gillebert alludes, to be found in the early Gaelic Church.

* The arguments of Laisren, Abbot of Lethglin, at the Synod held at that place, are said to have induced the Southern Churches to abandon the Cycle and Tonsure of their predecessors about 629-30. *Usher Primord.* p. 936. This Laisren has been erroneously confounded with Laistranus, one of the abbots addressed by Pope John about 640. *Bed. Eccl. Hist.*, l. 2, c. 19. Compare *Bed. Hist. Eccl.*, l. 3, c. 26, l. 5, c. 15, 23. Saint Fintan was the opponent of Laisren, and tradition has ascribed to him a singular method of upholding his opinions. He offered three alternatives to Laisren—1. To throw two copies of the old and the new systems into a fire, to test which would remain unburnt. 2. To shut up two monks in a burning house, and submit them to the same ordeal! 3. Or to raise a monk from the dead and abide by his decision. Laisren declined the trial through fear of Fintan's superior sanctity; and, at any rate, the

of Beda flagrant abuses had crept into the English Church, and the venerable historian laments the condition into which most of the monasteries had fallen throughout the dominions of Northumbria.* Very similar causes to those which brought about such results in England, were rife both in Ireland and in Scotland; and the Gaelic Church had varied widely from its original form and spirit, when it presented to the astonished eyes of the dignified prelates of the Roman Church in the twelfth century a picture, in which the abuses of encroachment and neglect had left but the shadow of a long forgotten system of church government. The greater abbacies had become the hereditary appanages of powerful families, where they were not still the objects of bloody contention; and the leading members of the septs, who filled the office of abbot, had sometimes ceased even to be in holy orders.† The Termon

two monks must have felt relieved by his humility. Cummian, however, appears to have been totally ignorant that any such alternatives were offered to Laisren during the Synod of Lethglin; for he represents the arguments of the principal opponent of the new system (whom he hesitates not to stigmatise as *a whited wall*) to have been based upon an appeal to the traditions and practice of their forefathers. *Usher Brit. Eccl. Antiq.*, c. 17, p. 485; and *Sylloge*, p. 33.

* In his epistle to Bishop Egbert of York.

† The *Cowarb* was supposed to be the successor of the earliest abbot, or *ecclesiastical* founder of the monastery; but in process of time he appears rather to have been the representative of the *lay* founder, or, in other words, of the prince or chieftain who granted the Termon lands to the monastery. Thus most of the Cowarbs of St. Patrick (or Abbots of Armagh) can be traced to one of the various families of Oirgialla, of which race was Daire, who originally granted to St. Patrick the land for founding the monastery (*A.F.M.*, 457); though in the ninth century the Hy Nial made several attempts to obtain the appointment for their own nominees. The whole monastery gradually became filled with "Founder's kin," and each leading family appears to have possessed *the patronage* of the monastery of the district. Nor was this custom confined to the Gaelic Church, for it existed in Wales, Bretagne, Auvergne (*vide* Goodall's Preface to Keith), and in many parts of England, where the sons of priests were accustomed to inherit their father's churches. *Vide Ead. Hist. Nov.*, l. 3, p. 67. Instances still exist of the union of ecclesiastical and temporal power; for the Vladika of Montenegro is invariably the bishop, as well as the prince, of his wild country.

lands were leased out as the hereditary property of Herenachs, members generally of the same families that possessed the abbacies; whilst the vast communities of monks, that Eastern peculiarity which formed so prominent a feature of the Gaelic Church in her best days, had dwindled into small bodies of Culdees, the representatives of the clerical portion of the brotherhood—the *twelve* companions so invariably attending the abbots of the early period—who were frequently as remarkable for the amount of their private wealth, as their predecessors, in the times of Columba and Aidan, had been renowned for their disinterested reluctance to acquire property of any description.*

The Scottish Church, at the commencement of the twelfth century, must have presented many similar features to those which met the eyes of the English prelates in Ireland, towards the close of the same period. The whole of ancient Alban had once been subject to the ecclesiastical jurisdiction of the Abbots of Iona, until the dispute between the members of

* The word *Culdee* signifies nothing more than clergyman, and it was the general name for the clergy amongst the Gael. The Culdees can be traced in Ireland, just the same as in Scotland, and they were replaced by regular canons in the same manner. The Oratories and Culdees of Armagh are mentioned *A.F.M.* 919, *An. Ult.* 920. The Oratories were probably the seven churches, or chapels, which appear to have belonged to all the larger Gaelic monasteries, and the Culdees were the officiating ministers. The Prior and Culdees of Armagh retained many of their privileges down to the Reformation. Culdees were the ministers of York Cathedral, from the date of Oswald's foundation until after the Conquest; and they probably inherited their privileges from the time of Bishop Aiden. *Vide Ware's Antiquities* (*Harris*), vol. 1, p. 236. The old canons of Durham were exactly in the same position as the Irish or Scottish Culdees. They were the descendants of the bearers of St. Cuthbert's body during the early Danish wars, inheriting their canonries by right of blood, and claiming to elect the bishop from their own body. In short, the see was in the hands of certain privileged families until the Anglo-Saxon Church beyond the Humber was remodelled after the Conquest. *Vide Hist. Dun.* (*Twysden*), l. 2, c. 6; l. 3, c. 6, 18. It is worthy of notice that *a Hospital* is generally to be found where Culdees can be traced to have existed, and this hospital is generally dedicated to St. Leonard.

that community and the Pictish king Nechtan appears to have resulted in transferring the supremacy to the Superior of Abernethy; who, in turn, yielded the predominance to the abbot or bishop of Dunkeld, after the establishment of that monastery by Constantine Mac Fergus. The primacy was eventually transferred during the reign of Cyric, from the foundation of Constantine to the establishment endowed by his brother Angus; and, from that period, the ecclesiastical jurisdiction of St. Andrews extended in exact proportion with the temporal authority of the kings of Scotland.* Each of the provinces that were originally independent must, at one time, have possessed its own monastery and bishop; but as the district kings sunk under the dominion of the supreme sovereign, the bishops either disappeared altogether, or became subordinate to, and dependant on, the Bishop of St. Andrews; so that only three or, at most, four sees existed in Scotland when David ascended the throne.† One of these must have been the bishopric of Glasgow, created, or revived, by the king during the lifetime of his predecessor Alexander; whilst the three remaining sees were St. Andrews, Dunkeld, and Moray.‡ In two of the latter the old abbacies had become hereditary appanages of the reigning family, and the jurisdiction of the sees of St. Andrews and Dunkeld embraced the whole of Scotland immediately dependant upon the royal authority; whilst the North remained under

* The power of the monastery depended very much on that of the chieftain of the district, and varied accordingly. Thus, in early times, Clonmacnois appears to have claimed the tribute of Connaught, though the primacy was eventually transferred to Tuam. Like St. Andrews in Scotland, Armagh had become far the most powerful abbey in Ireland in the twelfth century.

† *Ailred* (*Twysden*), p. 348. David found three or four, and left nine sees.

‡ Gregory and Cormac, the Bishops of Moray and Dunkeld, attested the Foundation Charter of Scone. At that time St Andrews was vacant.

the superiority of the monastery, whichever that may have been, in which the earlier Bishops of Moray were accustomed to fix their residence; thus demonstrating how completely the two great provinces of *Scotia* and *Moravia* must at one period have been divided between the rival families of Atholl and Moray.

The first step towards remodelling the Scottish Church was Alexander's regrant of the ancient donation of the Pictish Angus to the monastery of St. Andrews; but many years elapsed before David was enabled to complete the measures which his brother had only commenced. Five other bishoprics were added to the four already existing, and the sees of Dunblane, Brechin, Aberdeen, Ross, and Caithness, were created, or revived, in districts where hitherto the abbacy, rather than the bishopric, had been predominant; but it was long before all the Scottish dioceses attained the footing of regularly established bishoprics, like those of Glasgow and St. Andrews. In Dunkeld, the peculiar district of the royal family, all difficulties were originally overcome, by electing the last abbot of the Culdee monastery to be the first bishop of the remodelled see; but very little provision was made for the Canons before the episcopate of Geoffrey, towards the middle of the following century. In Aberdeen, the power of appointing Canons, and constituting a Chapter in his Cathedral, was conferred by Papal Bull upon Bishop Edward; but the first record of a constitution dates from the episcopate of Peter Ramsay, about 1259; whilst in Moray, the Chapter was first created by Bishop Bryce Douglas about the year 1220. In Caithness, the establishment dates from about 1245, the service before that time having been performed

by a single priest, owing to the impoverishment, through war, of a see which appears to have owed little or nothing, in the way of endowment, to the Norwegian Magnates of the Orkneys. Dunblane was in a very similar condition about the same period; for although endowed by Gilbert of Strathearn with one-third of his earldom (if Fordun is to be credited) fifteen years after the death of this munificent patron the see had been ten years vacant through poverty—a single chaplain, as in Caithness, celebrating divine service in a church without a roof—a state of affairs which was remedied by Bishop Clement in 1238.*

* *Myln, Vit. Dunk. Ep.*, pp. 5-10. *Reg. Aberd.*, vol. i. p. 76, *note;* vol. ii. p. 58. *Reg. Morav.*, Nos. 46, 47, 48. *Keith, Pref.* p. 10. According to *Fordun*, l. viii. ch. 73, Earl Gilbert gave a third of his earldom to Inch Affray, a third to the bishopric of Dunblane, and only retained a third for himself and his heirs; and the same earl is often described as the *Founder* of the see. In a strict sense this is doubtful, for Dunblane was undoubtedly amongst the *nine* Sees existing, according to Ailred, at David's death; and the poverty of the bishopric five years after Gilbert's death, in 1223, hardly agrees with the supposed donation of a third of his earldom. Inch Affray was the Foundation of Gilbert, upon which he lavished the tithes of his *Can*, his rents, his fines, and his offerings. Yet that the bishopric was endowed by the earls is a certainty, because in 1442 James II. declared, that the temporalities of the bishopric, hitherto held of the Earl of Strathearn, were henceforth to be held of the Crown. When the Pope granted to the Bishop a fourth of the tithes of the whole diocese for the support of himself, a Dean, and Canons, the Bishop seems to have abandoned "all right of pension out of the lands or churches of the Earl of Menteith," who was permitted to found a house for Regular Canons at Inch Mahomoc, making over the church of Kippen to found a Canonry in Dunblane Cathedral, and the church of Callander for the Bishop himself. This arrangement wears very much the appearance of a compromise; as if, at the revival of the see, David had assigned the earldoms of Strathearn and Menteith to the bishop as his diocese, neither of the earls, in the first instance, resigning the church-lands in their possession, until the Earl of Menteith waived all claim to the *patronage of the See*, in return for the permission to found the *family* Priory of Inch Mahomoc; whilst the bishop waived all further claim upon the earldom of Menteith, in return for the churches of Kippen and Callander. The diocese was thenceforth confined, in point of fact, to the earldom of Strathearn, in which all its temporalities were situated; and in return for the patronage of the see, no longer disputed by the Earls of Menteith, the successors of Gilbert would have no longer had any reluctance to carry out his intentions.—*Vide Innes' Sketches, etc.; Inch Affray*, pp. 204 to 219.

With the revival of these sees by David, the rule of discipline sanctioned by the Roman Church was introduced into the Scottish monasteries; and wherever the authority of the Crown was paramount, the numerous Culdee societies, which were scattered in every direction over the face of the country at the beginning of the twelfth century, were either suppressed altogether, or deprived of their most important privileges. The state of the Scottish Church at this period, and the nature of the changes brought about by David, may be best appreciated from a sketch of the royal proceedings in the diocese of St. Andrews, the principal bishopric of the kingdom.

A Prior and twelve Culdees constituted the College of Kilrimont, better known under the subsequent name of St. Andrews. The possessions, which they held in common, were small and poor; their private property, which was inherited or acquired by the gifts of friends and penitents, was large and valuable, reverting, upon the death of the possessors, to their wives, children, or relatives. Upon seven of the community devolved the duty of ministration at the altar; but the service was never performed before the high altar of St. Andrews except upon state occasions, in the presence of the king or the bishop; and at other times the Culdees celebrated their office, after their own peculiar manner, in a remote corner of the church. From the frequent allusion to Seven Churches amongst the early religious societies in Ireland and Scotland, it is probable that in ancient times each priest officiated in a separate chapel, set apart for his own particular ministration.* The altar-offerings were divided into

In earlier times each earl would have placed his bishop in the family establishments of Inch Affray and Inch Mahomoc.

* The Seven Churches, for instance, at Clonmacnois and Glendalough, in Ireland. According to Beda, *Hist. Eccl.*, l. 2, cap. 2; the Welsh monastery of

seven portions; one for the bishop, another for the hospital—that invariable appendage of a Culdee monastery, which alone survived the changes introduced by David; whilst the remaining five became the property of the five Culdees, who never officiated at the altar, on the condition of entertaining all pilgrims and strangers when the hospital (which contained six) was full; and upon such occasions the host was decided upon by lot. The origin of this custom may, probably, be traced to the practice amongst the early Religious, of giving up the greater part of the altar-offerings to a common fund, to be administered by the members of the community who did not officiate at the altar, in relieving the poor, and in exercising the duties of hospitality to pilgrims and strangers. No Culdee, after his election, continued to dwell in the same house with his wife and family.*

The privilege of electing the abbot, the bishop, and every member of the community, was vested in the Culdees, who exercised, within the walls of their monastery, the same rights that belonged in secular affairs to the district and provincial chieftains. The right of blood was as predominant amongst the ecclesiastics as it was all prevalent amongst the laity

Bangor was divided into *seven* portions, each containing three hundred monks, under a prior (præpositus). This arrangement may have had some connection with the peculiarity of Seven Churches. Seven British bishops are said to have attended the conference at Augustine's Oak, and seven bishops are said to have preached the Faith in Gaul.—(*Hist. Eccl. Franc.*, l. 1, cap. 28).

* This description is taken from the "History of St. Rule," etc. (*Pinkerton's Dissertation*, vol. 2, Ap. No. 7, sec. 3, and *Jamieson's Culdees, Appendix* No. 7), written by a contemporary of the kings Alexander and David. Like most tradition it is a singular mixture of truth and error. The *Hungus filius Ferlon*, and his son *Howonan*, contemporaries of Constantine the Great, are evidently Angus Mac Fergus, who reigned from 820 to 834, and his son Eoganan, who was killed in 839. The "Devotion to St. Andrew"—(*Pinkerton*, No. 12)—exemplifies the growth of error in such traditions, for it represents the saint bidding Angus dedicate to the Church *the tithes* of his possessions.

of the Gaelic people; and as the abbot represented the original Founder of the monastery, and came in time to be chosen from the leading family of the district, so the Culdees appear to have been selected from amongst the members of the same race who could claim the privilege of Founder's kin. Latterly, the abbots of the greater monasteries in Scotland became altogether lay functionaries, proprietors of the abbey lands, out of which the remainder of the community were supported.* They seem to have resembled the Herenach rather than the abbot of the Irish Gael; whilst those ecclesiastical duties and prerogatives, which were very generally exercised by the Irish abbots until the arrival of the English prelates in that country, appear to have been divided in Scotland between the bishop and the prior.†

After the establishment and endowment of the Regular Priory of St. Andrews by David in 1144, nearly all the privileges originally belonging to the Culdees of Kilrimont were transferred to the Canons Regular. The Culdees themselves were permitted to retain their possessions for their own lives, or to embrace the Regular life and become Canons of the newly-founded Priory;‡ but the members of smaller Culdee establishments, like that of St. Ser-

* Such were the Abbots of Dunkeld, ancestors of the royal line of Atholl, and those of Abernethy, ancestors of the family of that name. From the name of the first Earl of Ross, Ferquhard Mac-in-Sagart (the son of the priest), he was probably of a clerical family of this description. The lay Abbots of Brechin witness many charters. The Abbacy of St. Andrews was vested in the king.

† This difference between the Irish and Scottish Churches may probably be traced to the time when Nechtan drove the monks of Iona out of his dominions, and transferred the superiority to Abernethy. It was adopted, most likely, from the Anglo-Saxons, amongst whom I cannot trace the *advocatus* any more than the *Herenach* amongst the Scottish Gael. The character may have existed amongst both people, but I am not aware of any *name* for it; nor has any word like *Vogt* penetrated into either English or Scottish, as it has into the Germanic and Scandinavian languages.

‡ *Reg. Prior. St. And.*, p. 186. *Vide* also p. 48, and other papal confirmations.

vans on Loch Leven, were treated with far less ceremony; and when their possessions were disposed of in other quarters, they were peremptorily ordered to conform to the Regular discipline, on pain of summary ejectment from their monastery.* Whilst the lesser religious houses were thus converted into small dependant priories, filled with Regular monks, the more important communities seem frequently to have retained one part of their ancient establishment, and to have become "Hospitallers;" so much so, that in the succeeding century, the name of "*Kildey*" is used as an equivalent for a Hospital.†

The condition of the Culdees, after the reign of David, varied according to the circumstances of the dioceses in which they were placed. None can be traced to the south of the Forth, where they appear never to have existed; nor within the limits of the see of Moray, in which they must undoubtedly have been suppressed, upon the forfeiture of the ancient earls of the province. In Aberdeen, only those establishments seem to have been retained which were dependant on the bishop of St. Andrews; whilst little or nothing is known of the existence of Culdees in Ross and Caithness, though they probably lingered for some time amidst the mountains of those remote districts. In the bishoprics of St. Andrews and Dunkeld they remained in the character of Hospitallers, retaining the tithes of certain parishes, with the privilege of electing the prior and other members of their fraternity, subject to the approval of the bishop. But the case was widely different in the

* *Reg. Prior. St. And.*, pp. 43-188. The little Abbey of St. Servans belonged to the bishop, as the brotherhood had, on its first establishment, made over their possessions to the bishop, according to the usual Gaelic custom, in return for food and clothing. —*Reg. Prior. St. And.*, p. 113.

† *Reg. Aberd.*, vol. 2, p. 264.

dioceses of Brechin and Dunblane, where the Culdees long shared in the privileges of the Chapter—a compromise that must be attributed to the peculiar circumstance of those bishoprics, in which the church-lands were held by powerful feudatories, whom it would have been dangerous and impolitic to offend.*

But even in those dioceses in which the church lands had reverted to the crown, either through hereditary succession, or from the forfeiture of their earlier possessors, the Culdees, chosen from amongst the leading provincial families, were far too powerful

* *Vide Goodall's Preface to Keith's Catalogue of Bishops.* When David revived the See of Brechin, he merely granted to the Bishop and Culdees the right of holding a Sunday market in their *Vill* of Brechin. The Church-lands, originally "given to the Lord" by Kenneth II., were probably in the possession of the *Cowarbs*, long represented by the lay Abbots of Brechin. Leod is the first known member of the family, attesting charters of David, as "Abbas de Brechin," amongst the laity; and the form of *Abbe* so often appears after the names of the family, that it has been taken for a surname; though, as the same individuals appear with *Abbas* or *Abbatis* appended to their names, it is evidently only a contraction. Morgund appears to have been the last direct heir-male—(*Reg. de Brech. Pref.*, p. v., and No. 1. *Reg. Vet. Arbr.*, No. 1, 70, 72, 73, 74—1, 2, 3). About the opening of the thirteenth century, other clerks appear in the Chapter; and as the charters quoted by Goodall mention "the Prior, Culdees, and *others* of the Chapter of Brechin," it is possible that these "*others*" were the Canons, who now began to share the privileges of the Culdees. The latter disappear towards the close of the reign of Alexander II., and their place is supplied by the ordinary "Dean and Chapter." Morgund died in the same reign, and the property appears to have passed to Henry, an illegitimate offshoot from the royal family, who transmitted the name of *de Brechin* to his descendants. In a charter, about the year 1267, his son, William de Brechin, couples with the name of his father Henry that of his *mother* Juliana. In 1232 Alexander granted certain lands to Gillandrys Mac Leod, to be held by the service of one knight, "saving the rights of the clergy of Brechin, and the annual rent of 10 *solidi*, due from a portion to the Abbot of Brechin," together with other lands, to be held *per forinsecum servitium*, "infra dictum servitium unius militis." From all this, I think, it is allowable to suppose, that on the death of Morgund the king bestowed Juliana, the heiress of the last Abbot, on his kinsman Henry, with the proviso that the Culdees should be suppressed, or converted into the Chapter, at the same time erecting the lands of Gillandrys, the heir-male, hitherto held of the Abbot and Clergy, into a barony, held by charter of the Crown.—*Reg. de Brech.*, Nos. 2, 3; *Innes' Sketches*, etc., p. 156.

a body to submit without a struggle to the loss of their former privileges.* It appears to have been their object to establish themselves as Regular Canons, independent of the authority of the bishop; and they were occasionally assisted in their endeavours to promote their aim by the earl of the province, with whom they were frequently connected by the ties of relationship. At the opening of the thirteenth century, the Bishop of St. Andrews was obliged to obtain a Papal Bull to prevent the refractory brethren of Monymusk from exchanging the character of Hospitallers for that of Regular Canons; though the Culdees, who seem to have enlisted in their behalf the Earl of Mar and the Bishop of Aberdeen, eventually obtained their object, and before the middle of the same century, they were addressed by the pope as Regular Augustine Canons.†

Frequent contests between the Culdees of Kilrimont and the Prior and Canons of St. Andrews can be traced in the Register of that Priory. The Culdees seem to have been connected with the Comyns and their adherents, and to have profited by the preponderance of the national party during the stormy minority of Alexander the Third; for not only was a Papal Bull issued in favour of the married clergy of Scotland, representing that they were unjustly debarred from their rights,‡ but the Prior and Culdees

* *Reg. Prior. St. And.* p. 318.

† *Vide* Charters in *Reg. Prior. St. And.*, from p. 362 to p. 376. *Reg. Aberd.*, vol. 2, p. 264.

‡ *Reg. Morav.*, No. 260. *Vide* also *Hailes' Annals*, vol. 3, *Appendix* No. 4. The passage is curious, "Clerici vero uxorati ejusdem regni qui clericalem deferentes tonsuram clericati gaudere solent privilegio, et cum bonis suis sub ecclesiastice protectionis manere presidio ab antiquo, solite immunitatis beneficiis exuuntur et sub nova rediguntur onera servitutis." As the date of this singular document is 31st May 1251, it must have been issued against Durward and his party, who at that time were in power.

were about this time converted, by the authority of a similar document, into the Provost and Chapter of St. Mary's; though a proviso was introduced into the latter Bull to secure the privileges of the Canons of St. Andrews.* For a short time the Provost and Chapter of St. Mary's appear to have been placed on a similar footing with the Culdee Chapters of Brechin and Dunblane, and to have re-established a claim to share in the election of the Bishop of St. Andrews; but they were once more reduced to their former subordination after the state of Scotland became more settled, and when the national party came to terms with the opposite faction, to which the Canons of St. Andrews appear to have adhered.†

At the close of the century the Culdees again make their appearance, when they elected their provost, William Comyn, to the bishopric of St. Andrews, and as they still followed the fortunes of the party which now supported Balliol, their appeal to Rome, in support of this election, was backed by the whole interest of Edward of England.‡ The pope, however, decided against the Culdees, and as they were now connected with the losing side, they

* *Reg. Prior. St. And.*, p. xxxv, No. 16, xxxvii, No. 30, 32. *Denmylne Charters*, No. 19, 39. Amongst the Culdees who were converted into the Provost and Chapter of St. Mary's was William Wishart, afterwards Bishop of St. Andrews. If *Robert* Wishart, afterwards Bishop of Glasgow, was also a Culdee—a clericus uxoratus—it may explain the passage in which Hemingburgh throws an aspersion on his morals, "filios etiam episcopi nepotum nomine nuncupatos." *Vide Innes' Sketches*, p. 50, note 4.

† The Culdees were excluded from participating in the election of William Wishart in 1272 (*Fordun*, l. 6, c. 43). Every papal confirmation, however, in the *Reg. Prior. St. And.* proves that the right of electing the bishop was confined to the Canons Regular of the Priory, the Culdees apparently having first been deprived of their right in the days of Turgot (*Twysden, Preface*, p. vi.) The expressions of Fordun can, therefore, only be explained on the supposition that they had recovered their original privileges for a short time about this period.

‡ *Fordun*, l. 6, c. 44. *Palgrave's Documents, etc.*, cxlvii. cxlix.

shared in the downfall of the Balliols, and were finally subjected to the jurisdiction of the bishop of St. Andrews.* From this time nothing more is heard of the Culdees, though their monastery still existed in dependance on their former rivals; and as in the sister island the Reformation found a prior and twelve Culdees amongst the recognized clergy at Armagh, so at the same era in Scotland, a prior and twelve prebendaries still remained in the little monastery of Kirkheugh, humble representatives of the once powerful and high-born Culdees of Kilrimont.

* *Reg. Prior. St. And.*, p. xxxi.

CHAPTER XI.

MALCOLM THE FOURTH—A.D. 1153–1165.

Six months had barely elapsed since the death of David before the evil consequences of a minority became apparent, and the peace of Scotland was again disturbed by the attempts of the Moray family upon the Crown. Malcolm Mac Heth, the head of the race, had married a sister of Somerled Mac Gillebride, the ancestor of the Lords of Argyle, an energetic and ambitious chieftain, who raised the power of the *Oirir-Gael* to a height hitherto unexampled, and who now sought still further to increase that power by establishing one of his sister's children upon the throne. Upon the very day on which the King of England and the Duke of Normandy solemnly pledged their mutual faith to the ratification of a lasting peace, the storm burst over the south-western coasts of Scotland, and a desultory war seems to have lingered throughout the ensuing winter, amidst the mountains of the west, until an offer of the kingdom of the Isles, in the following year, called away the most formidable supporter of the rebellion.* A.D. 1153. 1st Nov.

When the death of the Norwegian Magnus re- A.D. 1103.

* *Chron. St. Crucis*, 1153. Boece attributes the rising of Somarled to a famine and pestilence, which the Chronicle places in the following year—the result rather than the cause of the invasion.

lieved the Islands from the dominion of his son Sigurd, Man again reverted to its former ruler Lagman Godfreyson, though the remainder of his reign was disturbed by the unceasing attempts of his brother Harald to obtain a share in the government. Harald, at length falling into his brother's hands, was punished by the loss of his eyes; and soon afterwards, Lagman, filled with remorse at his own cruelty,
A. D. 1108. undertook an expiatory pilgrimage to Jerusalem, which he never lived to accomplish. At the date of his death, his youngest brother, Olave, was residing at the English Court; but the nobility of the Islands, passing him over, apparently on account of his extreme youth, solicited the appointment of a regent, or guardian to the youthful heir, from the Irish king Murketagh O'Brien; who, gladly acceding to their request, dispatched his brother's son, Donald Mac Teige, to fill that office during the minority of Olave. Donald had already given considerable trouble in his own country, and a desire to get rid of an impracticable kinsman may have had its weight in the selection of Murketagh; but three years of misgovernment exhausted the patience of the Manxmen, the regent was expelled in a general rising, and a successor was this time sought for, in the opposite
A. D. 1111. direction, from Norway. The change was hardly for the better, for Ingemund, the next governor, impatient at the idea of filling a subordinate situation, on his arrival at the Lewis, summoned the chieftains of the Northern Isles to meet upon a stated day, and choose him for their king. He and his Norwegians, however, conducted themselves in the meantime with such unrestrained licentiousness, that the Islesmen, carefully guarding the outlets, set fire to the residence of their king-elect, who perished with all

his followers in vain attempts to escape from the flames.*

Four years had elapsed since the death of Lag- A. D. 1112.
man, when Olave, who was now probably of age, assumed the government of his father's kingdom. He is described as a peaceful prince, voluptuous and devout—a combination of opposite features in the same character, by no means confined to that age—and his residence at the Court of Henry the First appears to have assimilated his character in some respects to that of the Scottish David, with whom he is also said to have cultivated a close alliance. He instituted, or remodelled, the bishopric of the Isles, establishing a priory at Rushen, which he filled with a body of monks from Furness Abbey, conferring upon the latter monastery the privilege of electing the bishop of the Isles. Their first choice was unfortunate, and Olave became the patron of that singular bishop, Wimund, whose vagaries, towards the close of David's reign, have been already noticed in a preceding chapter.†

* *Chron. Man*, p. 8, 9. *An. F. M.*, 1106. *An. Inisfal*, 1094. The chronology, though very defective up to this point, is easily rectified. As Olave Godfreyson died in 1152, after a reign of forty years, he must have succeeded in 1112. Lagman, who was king at the time of Magnus Barefoot's expedition, reigned seven years, which, added to the six years of Sigurd's rule in the Orkneys, places his death thirteen years after that of his father, which occurred in 1095—or in 1108. The remaining four years are accounted for by Donald's regency, and the interval before the arrival of Ingemund.

† *Chron. Man*, p. 12, 13. The character of Olave is described in a passage redolent of the spirit of the age :—"Dedit ecclesiis insularum terras et libertates, et erat circa cultum divinum devotus et fervidus, tam Deo quam hominibus acceptabilis, propter quod isti domestico vitio Regum indulgebant." The privileges of Furness Abbey were confirmed by a Bull of Pope Celestine, quoted in *Camd. Brit.*, p. 1450. Wimund is one of the bishops called into existence by Stubbs, to be consecrated with the apocryphal Michael of Glasgow, by Archbishop Thomas of York, who died in 1114—(*Twysden*, p. 1713). It is scarcely necessary to point out the discrepancy of this date with the real period of Wimund's adventures, as detailed by the contemporary Newbridge. Wendover calls Wimund the first Bishop of Man, and he is probably right in a certain sense ; for the bishopric seems

A. D. 1152. Towards the close of a long and peaceful reign, Olave dispatched his son Godfrey to Norway, to obtain from Inge, who then ruled over that kingdom, a confirmation of his claim upon the throne of the Isles. Hardly had Godfrey left his home, when the three sons of the blind Harald, landing upon the coast of Man, asserted their claim to a share in the kingdom, as the lawful inheritance of their father. Olave agreed to submit the question to the general assembly of the Manxmen, and, on the 29th of June, both parties met at Ramsay, when Ronald Haraldson, rising under pretence of opening the conference, struck the unsuspecting Olave to the ground with his battle-axe, and proclaimed himself and his brothers kings of the Isles. Their usurpation, however, was of short duration, for upon the return of Godfrey
A. D. 1153. Olaveson from Norway, the whole of the island chieftains at once declared in favour of Olave's heir; and the sons of Harald, who were made over to their kinsman, suffered the usual punishment of a cruel age for their treacherous outrage upon his father.*

Shortly after his return to Man, overtures were made to Godfrey to cross over to Dublin and place himself at the head of the Northmen of Fingal, or Dublin *Ostmen* as they now began to be called. He willingly responded to the invitation, but by adopting this course, and by some of his subsequent proceedings, he appears to have provoked the serious enmity of one of the leading magnates of the Isles. After

to have been revived or remodelled, as in the cases of Glasgow and Galloway, when Olave solicited a colony of monks from Furness; and as the Irish Northmen looked upon their bishops as members of the Anglo-Norman rather than of the Irish Church, Olave would naturally turn to the Archbishop of York to consecrate the first bishop of his newly-created diocese, which soon afterwards became dependant upon the Archbishop of Drontheim.

* *Chron. Man*, p. 13-15.

the conquest of Man by Godfrey Crovan, the original clans, whose connection with the Northmen of Dublin and the Isles has been already noticed, were confined to the north of the island; whilst the south, partitioned out amongst the Islesmen who had contributed to the success of Godfrey, remained in the possession of their descendants, and became the seat of the government, the locality of the episcopal see, and the favoured portion of the island. The names of the leaders in the sanguinary battle of Sandwirth, Ottir and Mac Maras, point to the different descent of their followers; and it appears to have been the policy of Godfrey Crovan and his descendants to preserve the distinction between North and South, and to maintain their own ascendancy by holding the balance between the two races.* A.D. 1142.

About ten years before Godfrey became connected with the Dublin Ostmen, Reginald Mac Torquil, a grandson of Jarl Ottir who fell at Sandwirth—and, perhaps, also a member of the old Hy Ivar race, which probably still lingered in the north of Man—had either been chosen, or deputed, to assume the government of the Dublin Norsemen, this leadership remaining in the possession of his descendants until the capture of Dublin by the English.† The arrival of the king of Man must have interfered with the authority of Reginald, and, upon his return home, Godfrey appears to have directed his enmity still further against the family of Reginald by depriving Thorfin Ottirson of his possessions in the island. A. D. 1156
Thirsting for vengeance Thorfin sought out Somarled, who had married the sister of Godfrey Olaveson, undertaking to place one of the great chief's sons

* *Chron. Man*, p. 15, 10.
† *An. F. M.*, 1142, 1146, 1160, 1167, 1170, 1171.

upon the throne of the Isles in right of his maternal ancestry. Most readily was the offer accepted, and Thorfin, accompanied by Somarled's eldest son Dugal, sailed amongst the northern islands, exacting the submission of their chieftains to the joint heir of the Isles and the Oirir-Gael, whilst Somarled, on his part, prepared to support his son's claim with a powerful fleet of eighty vessels. The proceedings of Thorfin could scarcely escape the notice of Godfrey,
6th Jan. A. D. 1157. and he was fully prepared to meet the confederates when they appeared off the coasts of Man, where a desperate and bloody battle, lasting through a whole winter's night, and terminating in favour of Somarled, led to the partition of the islands; the permanent cession of all the *Sudreys*, or Southern Hebrides, striking a fatal blow at the ancient ascendancy of the Gall-Gael. Not content, however, with his partial success, the lord of the Oirir-Gael aimed at the
A. D. 1158. possession of the remainder, and in the following year, landing in Man, he completed his conquest by the reduction of that island, Godfrey flying before his sister's husband, and passing the next seven years in exile at the court of Norway.*

The defection of Thorfin from Godfrey Olaveson was, probably, as fatal in its consequences to the sons of Mac Heth as it was advantageous to their powerful kinsman; for in the very year in which Somarled, relinquishing his attacks upon Scotland, turned all his energies towards acquiring the kingdom of the Isles, Donald Mac Malcolm was captured in Gallo-
A. D. 1156. way, and sent to share his father's imprisonment in Roxburgh Castle.† Three and twenty years of hopeless captivity must have bowed the spirit of the forlorn prisoner, and despairing of success when his

* *Chron. Man*, p. 16, 17. † *Chron. St. Crucis* and *Chron. Mel.*, 1156.

son became the partner of his dungeon, Malcolm Mac Heth came to terms with his enemies. No account remains of the nature of the transaction by A. D. 1157. which he at length repurchased his liberty; of the claims which he relinquished, or of the concessions extorted by his opponents. Once only his name occurs in the chartularies of the period, when it appears amongst the signatures of the leading nobles who were in attendance at the court of their youthful sovereign at Dunfermlyn; and then, with one solitary and insignificant exception, the name of the once mighty leaders of the ancient race of Moray disappears for ever from the page of history.*

Three years had elapsed since the death of Stephen, and a very different monarch now filled the throne of England. A true descendant of the Norman conqueror, Henry Fitz Empress seems to have re-united, in his own character, the different qualities bequeathed by his mighty ancestor between his younger sons, and, together with the politic sagacity of his maternal grandfather, the young king displayed all the fiery passions of Rufus. Astute, ambitious, and little scrupulous about the means by which his ends were attained, his first aim was to re-establish the royal authority upon the destruction of the all but independent power achieved by many of the greater nobles. William Peveril, Hugo Mortimer, and the great Earl of Yorkshire—the same William Albemarle who won his earldom upon Cutton Moor—were either reduced to submission, or driven from the realm; and the once all-powerful Bishop of Winchester deemed it prudent to consult his safety in flight, seeking a surer refuge with his treasure in the monastery of Clugny. In pursuance of a similar

* *Chron. St. Crucis*, 1157. *Reg. Dunf.*, No. 40.

line of policy, after the death of the Earl of Northampton, upon whom Stephen had conferred the Honor of Huntingdon, had again placed that fief at the disposal of the English king, Henry caused it to be notified to the young king of Scotland, that he expected the restoration of all the fiefs in the North of England which had been held by David in the name of the Empress Queen. Such was the light in which Henry now chose to regard the feudal dependance of the northern counties upon the king of Scots; for of all the contracting parties who joined in the treaty of Carlisle, eight years before, he alone survived, and, secure in the possession of the throne of England, he little regarded the word he had plighted in his days of exile and adversity to the firmest friend of his early youth.* Compliance was

* *Newbridge*, l. 2, c. 4. Hoveden, a confidential servant of the English king, distinctly states that Henry made oath at Carlisle that if he ever ascended the throne of England, he would make over to David and his heirs Newcastle and Northumberland, and allow the kings of Scotland to possess without reserve all the lands between Tyne and Tweed (*ad an.* 1148-49). Diceto, who had no object in favouring the Scottish claims, says as decidedly that Northumberland had not only been long in the possession of David, but that it had been granted and confirmed to him by charter (*ad an.* 1173). Newbridge is more guarded, remarking that Malcolm might have brought forward the oath which Henry *is said* to have sworn—*ut dicitur*—to David. John of Hexham does not allude to the agreement, for it was probably kept secret, and could hardly have transpired when he closed his history four years later; but he incidentally confirms its existence when he states that the Earl of Chester waived his claim upon Carlisle in favour of David, receiving the Honor of Lancaster in exchange, for which he performed homage to the Scottish king. At this time, then, Carlisle must have been the acknowledged property of David, and the homage of Ranulph in connection with the Honor of Lancaster, the subsequent claim raised by William in 1196 upon the same fief, and the grant of Furness to Wimund, look very much as if Lancashire, or its northern frontier, was also in the hands of David. His authority, however, extended far beyond the Tyne, and the possession of the castles of Carlisle, Bamborough, and Newcastle, goes far to prove that whilst he held all beyond that river in the name of the Empress Queen, he had stipulated that the earldom, which he looked upon as the rightful inheritance of his wife, should be permanently made over to himself and his heirs. Small facts are sometimes significant, and as most of the important meetings between the English and Scottish kings were held near their mutual frontiers, it is worth noticing

the only course left open to Malcolm, and meeting Henry at Chester, he made a formal resignation of the three northern counties, with the castles of Carlisle, Bamborough, and Newcastle on Tyne, putting forward his claims upon Huntingdon on the same occasion, and receiving immediate investment of the Honor, upon the same terms of homage as it had been held by David in the days of the first Henry.* In the following year the two kings again met at Carlisle, but the honour of knighthood which he appears to have expected was not conferred upon Malcolm, as a coolness had arisen about some long-forgotten point connected, probably, with the performance of feudal service for the fief of Huntingdon; for, in the ensuing year, after Malcolm had

A. D. 1157.

A. D. 1158.

that though Henry subsequently met Malcolm at *Carlisle*, the cession of the northern counties was made—*at Chester*. The possession of the northern counties was a matter of grave importance to both kings, for had they been held hereditarily by the Scottish princes, they would from their local position have undoubtedly become gradually incorporated with the Scottish kingdom. It was naturally the policy of the English kings to throw every obstacle in the way of such a contingency, and in estimating Henry's conduct on this occasion, it would be the safest course for those who seek to palliate it, to ground their defence on the plea of "expediency."

* *Newbridge*, l. 2, c. 4. *Hoveden* 1157. *Wendover* 1157. Matthew of Westminster, far better informed than any contemporary authority, fabricates an invasion of England in order that Henry may be introduced as "vigorously repulsing" the Scots. This recalls the practice of some of the earlier chroniclers, who invariably raise a rebellion of the Scots at the commencement of every fresh reign, that they may easily and effectually crush the revolt with the same weapon that raised it—the pen. To the fiefs surrendered by Malcolm according to the contemporary authorities, Wendover adds "the whole county of Lothian," a passage appearing also in Diceto; but I have given my reasons in *Appendix L*, pt. 2, for regarding it as an interpolation upon the "Imagines Historiarum," and of no authority in either case. The meaning of a reservation in Malcolm's homage, "salvis dignitatibus suis," has occasioned some controversy, and has sometimes been considered equivalent to a reservation of the independence of his kingdom. I should be more inclined to regard the saving clause as applicable to all those points which, at the time of William's homage to Richard at Canterbury, were left for the decision of four barons of each kingdom, and subsequently confirmed by a charter from the English king. Compare *Appendix L*, pt. 2.

accompanied the English king in the expedition
A. D. 1159. against Toulouse, which was rendered abortive through the royal scruples about attacking a town which contained the person of his own feudal superior the king of France, the coveted ceremony was performed at Tours, and the young king returned immediately to Scotland.*

The departure of their king to render feudal service as an English baron, was viewed with general disapproval by the Scots, to whom this phase of the English connection appears to have been always distasteful. For nearly twenty years David and his grandson had enjoyed in succession the advantages of their English fiefs, without the burden of their feudal obligations; as during the lifetime of Stephen, and for the first three years of his successor's reign, no king of Scotland had ever met an English sovereign except at the head of a hostile army. Under these circumstances, the cession of all the advantages which had been acquired by David, the revival of a closer feudal connection with England, above all, the departure of the king for France, in direct opposition to the wishes of the great body of his native followers, aroused a spirit of disaffection; a formidable conspiracy appears to have been set on foot during his absence in France, and in his anxiety to win his spurs in the service of Henry, Malcolm risked the loss of his crown.

* *Hoveden* and *Chron. Mel.* 1158-59. The question was probably about the nature of the homage rendered for Huntingdon, whether *liege* or *simple*. Liege *homage*, which was the tenure by which the English kings held their duchy of Guyenne—as Edward the Third admitted after some demur (*Fœd.* vol. 2, pt. 2, p. 765, 797, 813)—carried with it the obligation of liege *service*. The service of Malcolm, and subsequently of William, in the armies of Henry, established the fact that they held Huntingdon by *liege homage;* and the obligation of service was subsequently evaded by sub-infeoffing the fief, which imposed this duty upon the *Vavassor*, or tenant of the Holder in Chief.

A veil of deep mystery enshrouds the proceedings of the conspirators. Foremost amongst their number was Ferquhard, Earl of Strathearn, whose father, Malise, had been the spokesman of the discontented Scots at the battle of the Standard; together with a certain Gilleanrias Ergemauche, and five other magnates, or "Mayster men," as Wynton calls them, including perhaps the Earl of Ross and the Lord of Galloway, or his sons. Malcolm was holding his court at Perth, soon after his return from France, A. D. 1160. when the confederates suddenly surrounded the city, intending, either to secure the person of the king and dictate their own terms, or, as one historian affirms, to place his brother William on the throne. None of the race of Malcolm Ceanmore ever failed in the hour of danger, and the young king displayed, in this crisis, all the hereditary courage of his ancestry. Promptly assuming the offensive, he at once attacked the conspirators, drove them from the field, and following up his first success, led an army into Galloway, in the determination of crushing the insurrection at its source.*

* *Hoveden* 1160. *Wynton*, bk. 7, c. 7, l. 199 to 216. *Fordun*, l. 8, c. 6. The Earls of Fife and Strathearn seem to have been amongst the most influential of the old Gaelic Mormaors, the former always staunch supporters of the reigning family, of which, perhaps, like the Earls of Atholl, they were a branch—for both these earldoms, connected with the monasteries of Dunkeld and St. Andrews, were originally "in the crown;" whilst the latter, who were "Palatines," exercising the privileges of a Regality within their earldom, and with the patronage at one time of the Bishopric of Dunblane—apparently, like the Ealdormen of Northumbria, "mediatized princes" —will be generally found at this period at the head of the discontented, rather than the disaffected, Scots. Ferquhard never seems to have suffered for his share in this conspiracy. He was either too powerful, or, more probably, not personally disaffected towards the reigning family, but discontented at their innovations. As the earldom of Ross, of which a certain Malcolm was in possession at one period of this reign (*Reg. Dunf.* No. 43), was granted as part of the dowry of the princess Ada on her marriage with Florence, Count of Holland, in 1162 (*Doc. etc. Illust. Hist. Scot.*, iv. sec. 5, p. 20), it must have been at that date in the crown; and if through forfeiture, the

The history of Galloway is a blank from the time when the father of Kenneth the First was slain upon the borders of Kyle, until the age in which the mutinous spirit of its unruly contingent to David's army more than counterbalanced the utmost efforts of their reckless valour. Three centuries of antagonism appear to have engendered a feeling of bitter hostility between the Galwegians and their neighbours of Scottish Cumbria and the Lothians; whilst their continual encroachments upon the ancient kingdom of Strath Clyde must, from a very early period, have tended to throw the people of that province upon the protection of the Scottish kings, and materially to advance the policy which eventually placed a branch of the Mac Alpin family upon the Scoto-Cumbrian throne. At some remote era the Lord of Galloway became dependant upon the king of Scotland, and Fergus, the first known prince of the province, was an attendant on certain state occasions at the royal court, whilst he acknowledged the superiority of his contemporary David by the payment of a certain tribute in time of peace, and by a contingent of turbulent soldiery in war; resembling, in other respects, an ally rather than a vassal, and enjoying a

forfeited earl may have been one of the "Mayster Men." Mr. Skene adds the Earl of Orkney and the Boy of Egremont on the authority of Wynton and the Orkneyinga Saga, but I can find no mention of either. The Saga only says that all the Scots wished to have for their king William *Odlingr* —the *Atheling*—son of William Fitz Duncan, alluding most probably to the repeated attempts, in the succeeding reign, of Donald MacWilliam, generally known as "Mac William," and sometimes called "William" in *Ben. Ab.* Six years before the conspiracy of Perth, the Boy of Egremont was old enough to witness a charter of Bolton Priory, as son and heir of his mother, Cecilia de Rumeli (*Dugd. Mon.*, vol. 6, p. 203), and as he died in his childhood—he was the hero of the well-known tale of the *Strides*—he was probably dead before 1160. In the conspiracy of Perth, Mr. Skene sees an attempt of the "Seven Earls" to assert their privileges and choose the son of William Fitz Duncan in the place of Malcolm. These earls and their privileges are as profound a mystery as the conspiracy itself. *Vide Appendix S.*

considerable degreee of independence within his hereditary dominions. He married Elizabeth, a natural daughter of Henry the First, and Afreca, his daughter by this union, became the wife of Olave and the mother of Godfrey, kings of Man and the Isles; the latter connection, apparently, involving him in the attempts of Somerled, Mac Heth, and others, who opposed the reigning family, either in the hope of advancing their own rival claims, or through a repugnance to the introduction of a novel system. It was in Galloway that Donald Mac Heth sought his last retreat, and amidst the mountains and moors of the same locality the discomfited conspirators seem to have hoped, after their defeat at Perth, to elude the pursuit of Malcolm. Twice was the king baffled in his attempts to penetrate the province; as much, probably, from the natural difficulties of the country, as from the magnitude of the opposition he encountered; but on the third occasion he was successful. Fergus, reduced at length to liege submission, retired, either of his own accord or from compulsion, into the monastery of Holyrood, where he died in the course of the following year; the whole of Galloway, thoroughly subdued, was brought into direct feudal subjection to the Scottish crown; and a conspiracy, which at one time threatened to entail the loss of a crown, through the energy and abilities of the youthful sovereign, or of his advisers, terminated in the acquisition of a principality.*

* *Chron. St. Crucis* 1160. The names of Fergus and his son, Uchtred, occur amongst the witnesses to the grant of Perdeyc on the 7th July 1136. *Reg. Glasg.*, No. 3, 7. The different relation in which Galloway stood to Scotland in the reigns of David and his successor, is clearly ascertained through its bishopric. Candida Casa was not amongst the sees revived by David, owing its re-establishment apparently to Fergus, Christian, the first bishop of the new see, being consecrated in 1154, when the ceremony was performed by the Archbishop of Rouen at Bermondsey (*Chron. St. Crucis* 1154). He was claimed as a suffragan of York after the

But Malcolm was never destined to fulfil the high promise of his youthful career, the delicacy of constitution, bequeathed by Queen Margaret to so many of her descendants, early developing itself in
A.D. 1163. her grandson's eldest child. Three years after the conquest of Galloway, during his progress towards the south, he was overtaken by a dangerous illness at Doncaster; though his days were not yet numbered, and he recovered sufficiently to carry out the original purpose of his visit to England, concluding an alliance with Henry that promised to ensure a firm and lasting peace.* He is also stated to have been present shortly afterwards at Woodstock, to tender his homage to the younger Henry, as his grandfather had done to the empress-queen, with the usual reservation of fealty to the elder king.†

captivity of William, and when excommunicated in 1177 by Cardinal Vivian, legate for *Scotland*, Ireland, and the Isles, for not attending a council of Scottish bishops, was sheltered by his metropolitan, at that time legate for *England;* and his successors remained suffragans of York until the fourteenth century. It may be gathered, therefore, that at the date of the revival of the see, Galloway was up to a certain point an independent principality, the Scottish claims to superiority dating from the conquest of Malcolm, the English from the captivity of William—for Gill-aldan, consecrated with other *myths* by Archbishop Thorstein, is an apocryphal creation of Stubbs (*Twysden*, p. 1720). The bishopric, which was probably commensurate with the boundaries of the principality, comprised the modern shires of Wigton and Kirkcudbright westward of the Ure, and was bounded by the deaneries of Nith and Carrick, both in the diocese of Glasgow; the former the original seat of the Randolph family, whose first known ancestor was Dungal of Stranith; the latter erected into a separate earldom for Duncan, the grandson of Fergus, on resigning all claim upon his father Gilbert's share in the province of Galloway.

* *Hoveden* 1163.

† *Wendover* 1163. This is another passage found in the "Imagines," but not in the "Capitula," of Diceto. (*Vide Appendix L*, pt. 2). According to Diceto, the clergy swore fealty to the younger Henry in 1162, and according to the *Annales Cambriæ*, Rhys of South Wales was in England with Henry in 1164, after the expedition in which Henry reached Pencadair, which is usually placed in 1162. It is singular that Newbridge, the principal authority for the Welsh wars, should not have alluded to the homage at Woodstock. Sir Francis Palgrave, in his "Proofs and Illustrations," seems to lay some stress on the omission of the saving clause, "salvis dignitatibus," in the homage said to have been rendered by Malcolm to the younger Henry on

One more triumph was in store to grace the closing years of his career. Within a year or two of the liberation of Malcolm Mac Heth from Roxburgh Castle, the lord of the Oirir-Gael appears to have made his peace with the king of Scotland; though for some unknown cause, in the year 1164, he again broke out into open rebellion, landing suddenly on the coast of Renfrew with the whole force of Argyle and the Isles, strengthened by a body of auxiliaries from Ireland. Hardly had he set foot on shore before he fell, with his son Gillecolum—tradition says by treachery—and his followers dispersing, as usual, upon the death of their leader, returned at once to their island homes. Thus perished, in an obscure skirmish, the mightiest and most formidable of Malcolm's enemies; the chieftain who raised the power of the Lords of Argyle upon the ruins of the ancient kingdom of the Gall-Gael.* A. D. 1164.

The defeat of Somerled was the final event in Malcolm's reign, for the hand of death was already upon him, and, on the 9th of December 1165, he sunk into the grave, at the early age of twenty-four. His premature decease lent an interest to his memory, and may, in a great measure, have led the historians of the succeeding generation to invest the character of the king with the qualities which were supposed, in those days, to constitute the attributes of a saint A. D. 1165.

this occasion. It was simply a repetition of his original homage, not a fresh act; and as he was in the enjoyment of his "dignities" at this time, where was the necessity of the saving clause?

* *Hoveden*, 1164, p. 283. *Wynton*, bk. 7, c. 7, l. 307. *Chron. Mel.* 1164. *Fordun*, l. 8, c. 6. The Innes Charter was granted at Christmas "post concordiam Regis et Sumerledi" (*Reg. Morav.* p. 453). Amongst the witnesses was William, Bishop of Moray and papal legate, an office which he held from 1159 till his death in 1162. Between these dates Somerled and Malcolm must have come to terms. Fordun calls the son who was killed with his father Gillecolum. He is nowhere else mentioned, and none of the ancestry of the great western clans traced to him.

upon earth. A certain effeminacy of appearance, resulting from his constitutional delicacy, may have originated the epithet of "the Maiden," by which he was so often known; and though the same cause may have undoubtedly affected the tone of his mind, so far from having been an ascetic recluse, as he is frequently represented—more fit to wear the cowl than to wield the sword—whenever Malcolm appears in history, he stands forward as a prince of exceeding promise and spirit. His reign was principally taken up in quelling the disaffection of different powerful magnates, above all, of Somerled, whose hostility only ceased with his life; and the character of the young king may be best estimated by the successful result of those measures, through which he secured the direct feudal submission of the principality of Galloway, and the total cessation of all internal revolt during the early years of his successor.*

A singular policy—recalling to mind the compulsatory migrations of conquered races in the remote era of the early eastern empires—has been attributed by Fordun to this king; who is supposed, by that historian, to have transplanted the original inhabitants of Moray from their ancient province, repeopling the district with settlers from other parts of his dominions.† If such a proceeding was ever carried

* *Chron. Mel.* 1165. *Newbridge*, l. 2, c. 29. *Wynton*, bk. 7, c. 9, l. 321, etc. *Fordun*, l. 8, c. 6, etc. Lord Hailes has ruthlessly destroyed the fable which was founded upon the king's *soubriquet* of "the Maiden." *Annals*, vol. 1, p. 123.

† *Fordun*, l. 8, c. 6, is the earliest authority who alludes to the supposed transplantation of the Moraymen. Mr. Skene (*Highlanders*, vol. 2, p. 167) seems to think that the Moraymen took advantage of the conspiracy of Perth to rise under Kenneth Mac Heth, and that Malcolm, after a violent struggle, crushed their rebellion; but I cannot find any notice of such occurrences in the historians of this period. Malcolm's struggle was in Galloway, and the greater part of Moray, with the exception of the more inaccessible Highland districts, was by this time

out, it may have originated in the arrangement with Malcolm MacHeth; but though it is impossible to pronounce with absolute certainty upon the accuracy of Fordun's statement, it is very difficult to imagine that such a measure could have extended throughout the Highland portion of the district subsequently erected into an earldom for Randolph. The race, the language, and many of the customs of the mountaineers, remained unchanged at a comparatively recent period; and whilst the lowlands and the coast of Moray, which had already been partitioned out amongst the followers of David, would have presented comparatively few obstacles to such a project, it is hardly possible to conceive how it could ever have been successfully put into excution amidst the wild and inaccessible mountains of the interior. It appears, therefore, most reasonable to conclude, that Malcolm only carried out the policy pursued by his grandfather ever since the first forfeiture of the earldom; and that any changes that may have been brought about in the population of this part of Scotland—and which scarcely extended below the class of lesser *Duchasach*, or small proprietors—are not to be attributed to one sweeping and compulsatory measure, but to the grants of David and his successors; which must have had the effect of either reducing the earlier proprietary to a dependant position, or of driving into the remoter Highlands all who were inclined to contest the authority of the sovereign, or to dispute the validity of the royal ordinances, which reduced them to the condition of subordinates.

in the iron grasp of the great feudal proprietors established in the forfeited earldom by David. Kenneth Mac Heth was the companion of Donald Bane, the son of Donald Mac William, when he rose against Alexander the Second in 1215, *fifty-five years* after the conspiracy of Perth. It is possible that he may have shared in the earlier risings, but it is hardly probable.

CHAPTER XII.

WILLIAM THE LION—1165–1214.

AMONGST the earliest acts of William after his accession was the performance of feudal service for the fief of Huntingdon, accompanying Henry for this
A.D. 1166. purpose upon one of his numerous expeditions into the French territories. By his ready acquiescence on a point about which his brother had at first demurred, he may have hoped to influence the English king in favour of his claim upon the northern counties; but if he entertained such expectations he was doomed to disappointment, as Henry limited his grant to the Honor of Huntingdon.*

William, however, was not of a disposition to submit with patience to the denial of his rights—for thus would he have characterised his claims; and he was ready to enter warmly into any confederacy promising to extort from the fears of Henry the cession of the coveted fiefs. Two campaigns against the

* *Hoveden*, 1166, p. 289. *Chron. Mel.* 1166. "Ob negotia Domini sui," says the latter authority; in other words, he performed *service* for Huntingdon. There is no actual allusion to the grant of this fief to William, but it is evident that he possessed it and subinfeoffed it to his brother David. *Newbridge*, l. 2, c. 37, speaks of *Earl David* holding the castle of Huntingdon at the time of William's capture; and in c. 31 he calls the same prince Earl of Huntingdon. Hoveden and Abbot Benedict, under the year 1184, mention that Henry *gave back* (reddidit) the fief to William, who granted it (dedit) to his brother. What was *given back* must have been previously *taken away;* and William must have been in possession of the fief before his capture. According to *Fordun*, l. 8, c. 12, 13, he was refused Northumberland; and this refusal *Diceto, ad an.* 1173, places amongst the causes of the subsequent war.

Welsh, conducted with more than equivocal success; the continued hostility of Louis of France; and a doubtful contest with the newly made Archbishop of Canterbury, whose former reputation as a man-at-arms was destined to be eclipsed by his subsequent renown as a martyr,* heightened the difficulties of Henry's situation: and his exasperation was increased against the king of Scotland, whose envoys at the French court, uniting with the representatives of the Welsh princes, were eager to enter into a league with A. D. 1168. the enemies of the English king.† But the hostility of William was not yet to be openly displayed, for a peace was concluded between the French and English kings, and the opportunity of attacking the latter at a disadvantage passed away. It was with an A. D. 1170. appearance, therefore, of renewed cordiality, that William and his brother David appeared at the court of Henry, to assist at the coronation of his eldest son at Westminster; when both the Scottish princes, taking the oaths of fealty and allegiance to the younger Henry, swore upon the sacred relics to be true to the heir of England, saving, as usual, their fidelity to his father.‡ But in spite of these professions of mutual friendship, the alliance in reality was hollow and insincere, the refusal of the northern counties still rankled in the breast of William, and an opportunity for enforcing his claim was not long wanting.

* The Bishop of Hereford, an austere priest, who imagined himself fully qualified for the primacy, remarked with a sneer, in allusion to some of Becket's antecedents, that the king had wrought a miracle when he converted a man-at-arms into an Archbishop.

† *Ep. St. T. Cant.*, l. 1, 44; l. 2, 32, quoted by Lord Lyttleton, *Hist. Hen. II.*, vol. 4, p. 218-20. In 1166 William was at Mont St. Michael (*Chron. Robt. de Monte ad an.*), and there came with him the Bishop of Man and thirty-one other islands, all of which, adds the chronicler, the king of the Isles holds of the king of Norway by paying ten marks of gold to every new king. No other payment is made during the life of that king, or until the appointment of a successor.

‡ *Ben. Ab.* and *Hoveden* 1170.

A. D. 1173. Never did the fortunes of the second Henry appear more prosperous than at the very moment when the flight of his eldest son to the court of France, suddenly revealed the extent of the intrigues which were based upon the disaffection of his own children. Whilst the elder king was occupied in strengthening his defences upon the frontiers of France and in securing the important services of twenty thousand Reiters of Brabant, the younger Henry was busily corrupting the unfaithful adherents of his father, and lavishing grants upon the allies whose assistance he wished to purchase. The promise of Northumberland to William, and the offer of the fief of Cambridge to his brother, the Earl of Huntingdon, secured the active co-operation of both the Scottish princes;* and towards the close of summer, whilst the attention of the elder Henry was fully occupied in Normandy, the frontiers of England were suddenly invaded from the north.

Siege was laid to Werk and Carlisle, whilst the main body of irregulars, according to the usual tactics of Scottish armies, was dispatched to lay waste the surrounding country. The Bishop of Durham appears to have secretly favoured the confederates, and the Scots were allowed a free passage through the lands of his diocese;† but their further progress was checked, before long, by tidings of the approach of a powerful force under the orders of Richard de Lucy, and Humphrey de Bohun, the Justiciary and Constable of England. Raising the siege of Carlisle,

* *Hoveden* 1173, p. 305. According to Diceto, William demanded Northumberland from the elder Henry, and on being refused, led his army into England. But the account of Hoveden is more likely to be correct. Wendover has copied Diceto word for word, with the characteristic omission of the Dean of St. Paul's words "quæ fuerant regi David, donata, tradita, cartis confirmata."

† *Diceto* 1173.

William retired across the borders, closely followed by de Lucy and de Bohun, who were beginning to retaliate upon the Lothians the ravages of the Scottish army in England, when the arrival of messengers from the south, brought the unwelcome intelligence of the landing of the Earl of Leicester on Michaelmas Day. Negotiations were hastily opened with the Scottish king, and so well did the English commanders succeed in concealing the real state of affairs, that they obtained a truce until the following January, and were thus enabled to lead back their army to oppose the Earl of Leicester, and to bend all their energies towards confronting the novel danger.*

During the whole of the ensuing winter the war was carried on in England without intermission, whilst, with the singular policy of the age, a truce existed in all other quarters; thus enabling the partizans of Henry, in his own kingdom, to unite their forces for the purpose of crushing the Earl of Leicester.† At the expiration of the truce in January, the payment of 300 marks, offered by the barons of Northumberland through the medium of the bishop of Durham, purchased from William a further cessation of hostilities until Easter; and when the term of this second truce had also expired, the armies of the allies‡ at length appeared in the field. A. D. 1174.

† *Hoveden* 1173, p. 307. *Newbridge*, l. 2, c. 30. *Diceto* 1173. The latter makes William beg for a truce from the triumphant English nobles; but both the other writers maintain that the proposal first came from the English leaders, on hearing of the arrival of the Earl of Leicester. "Timuerunt valde," writes Hoveden; "Cum eum (William) callida nostrorum dissimulatione laterent adhuc quæ nuntiabantur," are the words of Newbridge. In the same chapter that historian speaks of *Tweed* dividing the kingdoms of England and Scotland—a clear proof that *Lothian* had not been *restored* to Henry seventeen years previously.

† *Newbridge*, l. 2, c. 30.

‡ *Hoveden*, 1174, p. 307.

Whilst Louis prosecuted the war in Normandy, and the Count of Flanders, with the younger Henry, meditated a descent upon England, William again crossed the Borders with an army, strengthened by a body of mercenaries from the Low Countries;* his brother David proceeding at once to the south, as the earl had been chosen to command the English confederates, now left without a head through the capture of the Earl of Leicester.†

Leaving a division of his army to blockade Carlisle, William led the main body into Northumberland. Brough and Appleby were captured without resistance, and the castles of Liddel, Warkworth, and Harbottle, fell, in succession, into the hands of the Scots, who then retraced their steps to Carlisle. A close blockade extorted a promise of surrender from the castellan, Robert de Vaux, if no relief arrived before Michaelmas; for his provisions were beginning to fail, and he suspected the townsmen—attached, probably, to the memory of David, who had often made Carlisle his residence—of a favourable inclination towards the Scots. William then marched to invest Prudhoe Castle, upon the southern bank of the Tyne, where he was joined by Robert de Mowbray, the youngest of the victors of Northallerton, who, sorely pressed by the warlike bishop of Lincoln, eagerly advocated the advance of the Scots into Yorkshire, before the fall of his last castle of Thirsk, placing his eldest son in the hands of William as a hostage for the sincerity of his request. William promised to march to his assistance, but, warned of the approach of the Yorkshire barons, he relinquished his intention of relieving Thirsk, and, raising the

* *Newbridge*, l. 2, c. 32.

† *Hoveden* 1174, p. 307. *Newbridge*, l. 2, c. 31, 32.

siege of Prudhoe Castle, commenced his retreat towards the north.*

As he approached his own frontiers, the king dispatched the greater part of his army, under the command of Duncan, Earl of Fife, with instructions to disperse his forces over the face of the country, and carry out the usual tactics of Scottish warfare. In order to extend the circuit of his operations, Earl Duncan subdivided the forces committed to his charge, entrusting two separate divisions to Richard de Moreville and the Earl of Angus; whilst with the main body under his immediate command he entered Warkworth upon the morning of Saturday, the 13th of July; and the inhabitants of that place, no longer protected by the garrison of the castle, fell an easy prey to his followers. The town was burnt to the ground, and more than a hundred miserable beings, who, in the vain hope of safety, had fled to the Church of St. Lawrence, were torn from its sacred precincts and massacred with remorseless cruelty. Little did Earl Duncan imagine, as he contemplated the ruins of the burning church, that within a few short miles the fate of Scotland was trembling in the balance.†

Upon reaching Newcastle, late on the evening of the 12th of July, the Yorkshire Barons, so often destined to render good service to England, found that the Scottish army had retreated; when a difference of opinion arose as to the expediency of a further pursuit. Several of their number urged that they had

* *Ben. Ab.* 1174. *Hoveden* 1174, p. 308. *Newbridge*, l. 2, c. 32.

† I have here followed the account of Abbot Benedict, which appears to have been copied into the chronicle of Croyland Abbey. Compare it with *Doc. etc. Illust. Hist. Scot.*, No. xxiv., p. 79, Benedict expressly says that William dispatched the two Earls and de Moreville from Alnwick "fere cum toto exercitu . . . et ibi remansit cum privata familia sua."

already done enough in frustrating the intentions of the enemy against their own neighbourhood, and that it would be merely courting unnecessary danger to pursue eight thousand armed men with only four hundred horsemen. But there were others amongst their ranks who argued that much might be done by a compact and well-equipped body of knights, whilst the Scottish army was dispersed over the country, and whilst William was still in ignorance of their approach; and by the arguments and the authority of those who were in favour of an advance, the hesitation of the dissentients was at length overcome, and the bolder counsels prevailed.*

At earliest dawn upon the 13th, the Barons set out from Newcastle. A dense fog overhung the country, appearing to increase as they advanced northwards; and it was still early, though they had ridden fast and far, when several of the party began to suggest the expediency of a return, urging, that in their utter ignorance of their own locality, as well as of the position of the enemy, they might be blindly rushing upon unknown perils.† But Balliol, with a resolute determination that has often extricated brave

* "Nam predicti Duces, cum audissent quod Rex Scotiæ . . . . . *misisset exercitum suum ab eo*, cum festinacione secuti sunt." Such are the words of Benedict, which prove that the enterprise of the English leaders was entirely based upon their *knowledge* of the dispersion of the Scottish army, and their hope of surprising the king whilst he was only surrounded "privata familia sua." This view of the case must enhance our opinion of their judgment, though somewhat at the expense of the miracle. Robert d'Estoteville, Bernard de Balliol, Ranulph de Glanville, and William de Vesci, were the principal barons in favour of the enterprise.

† Some idea might be formed of the rate of progression of a knight in full armour, were it not for the ambiguity of the expression of Newbridge, "ante horam quintam viginti quatuor millia passuum transmearent"—"before five o'clock;" or "under five hours," as some translate it. But this forced march was looked upon as an almost incredible performance; and if our forefathers required supernatural assistance (tanquam *propellente vi aliqua* properantes) to accomplish five miles an hour, their ordinary movements must have been leisurely indeed.

men out of difficulties, refused to listen to such suggestions, avowing his own intention of proceeding at all risks, and the waverers were ashamed to turn back. Onwards they pressed, whilst close upon their right lay Warkworth, swarming with the Scottish foe; but enshrouded in the obscurity of the friendly mist they passed the river Coquet in safety, and continued their adventurous progress. The fog rolled away as the morning advanced, displaying to the delighted eyes of the little band the friendly walls of Alnwick, and they were hastening with alacrity towards its welcome shelter, when they perceived a small body of about sixty knights, who were engaged in tilting in a neighbouring meadow. The tilting party was composed of William and his attendant suite, who paid little or no attention to the approach of a band of horsemen, mistaking them for a party of Earl Duncan's mounted force returning to the Scottish camp, until a nearer view of the advancing barons revealed the English cognizances. One moment of reflection would have warned the king not to imperil the whole fortune of the war upon such an unequal contest; but no such thoughts crossed the mind of William, and, with the hasty exclamation, "Now will it be seen who is a true knight," he dashed at once against the enemy with all the reckless gallantry of a knight-errant. The result can be easily imagined. His horse was immediately slain—for this was no tilting match, and his opponents aimed at securing their prize—and before he could disengage himself from the dying charger, William was a helpless captive. His nobles determined to share his fate; many of his suite, who had not been present at the catastrophe, riding in and surrendering to the English barons to avoid the imputation of deserting their sovereign;

and, before the close of the same fatal Saturday, the Barons of Yorkshire again entered Newcastle with their illustrious captive in their charge.*

On the following morning the royal prisoner was removed, for greater security, to Richmond castle; and the important intelligence of his capture was forwarded in haste to London, where Henry had by this time arrived. Alarmed at the assemblage of the hostile fleet, and anxious to be upon the spot to oppose the threatened invasion, he had crossed from Barfleur in a gale of wind, undeterred by the elements which held his enemies wind-bound at Gravelines, reaching Southampton in safety on the evening of the 8th of July. All that night, and the following day, he is said to have hurried on, without rest or refreshment beyond bread and water, to the tomb of the murdered Becket, at whose shrine either policy, or repentance, dictated the performance of a penance, that, to the ideas of the present age, appears degrading. After he reached London, fatigue and excitement threw him into a fever, from which he was only partially recovered, when the messenger of Ranulph de Glanville, standing by the side of his bed on the morning of Thursday the 18th, aroused him from sleep, before daylight, with the welcome intelligence of William's capture. All remembrance of his illness vanishing at the joyful tidings, before the close of the same day Henry departed for the north; and ere a fortnight had elapsed from the date of his misfortune, the royal captive was removed from Richmond castle, his legs were fettered under the body of

* *Ben. Ab.* 1174. *Hoveden* 1174, p. 308. *Newbridge*, l. 2, c. 33. The veracious Wendover represents the capture of William as the result of a battle, in which such multitudes of the Scots were slain that it was impossible to number their dead!

a horse, and in this degrading position he was presented to Henry at Northampton.*

The effects of the calamity which had befallen the king of Scotland were at once instantaneous and decisive. His own army, stunned for the moment, only recovered to break out, as usual, into mutual dissension and strife. Gilbert and Uchtred, the lords of Galloway, hurrying homewards, destroyed the castles which had been built in their province to secure the authority of the king, drove out the royal officers, and then dispatched gifts and envoys to the English king with the offer of their fealty and submission. The Scots availed themselves of the anarchy of the moment to vent their long suppressed animosity against the townsmen and burghers, mostly of English origin, with whom David and his successors had filled the royal burghs and cities of their kingdom. The Earl of Huntingdon, relinquishing his high

* *Ben. Ab.* 1174. *Hoveden* 1174, p. 308. *Newbridge*, l. 3, c. 35. *Diceto* and *Chron. Gerv.* 1174. (*Twysden*, p. 577, 1427.) Facts have been a little strained to represent William's capture as a miracle. All contemporary accounts agree that Henry sailed from Barfleur on Monday the 8th July, landing the same evening at Southampton, and hurrying to Canterbury without delay, where they make him do penance immediately on his arrival, dating it on Friday the 12th, and bring him to London on the Saturday, without accounting for the intermediate days. A journey from Southampton to Canterbury would scarcely require three days' and nights' hard riding. Lord Hailes, according to Dr. Lingard, "contradicts the king, and says that one of these events occurred on a Thursday, and the other on a Saturday." Lingard himself makes Henry spend two days on the passage—a way of accounting for the intermediate days which seems not to have occurred to the earlier authorities—land on the 10th, ride all night, reach Canterbury and do penance on the 11th, and proceed to London on the 12th (*Hist. Engl.*, vol. 2, c. 5); and as William was captured on Saturday the 13th, his own account, singularly enough, bears out the assertion of Lord Hailes, "that Henry was scourged on a Thursday and William made prisoner on a Saturday!" It was quite in accordance with the spirit of the age to regard the capture of William as the reward of Henry's penance, and it can scarcely be questioned that such was the case in England; whilst the foundation of Arbroath, dedicated to Thomas of Canterbury, seems to attest William's concurrence in this feeling. The age was ready to accept a miracle and it was framed accordingly.

command, returned in haste to Scotland. Ferrers and De Mowbray threw themselves on Henry's mercy; Gloucester and De Clare, the waverers of the western counties, met him with assurances of their fidelity; Hugh Bigot dismissed his Flemish auxiliaries; and the Bishop of Durham surrendered his castles, protesting that the presence of his nephew, the Count de Bar, was merely for his own protection: whilst the formidable fleet, which had threatened the invasion of the English coasts, melted away at the news of the disaster; and the Count of Flanders, with the younger Henry, drew off their forces from Gravelines to join Louis of France at the siege of Rouen. Within three weeks from the date of the catastrophe the power of Henry was re-established throughout England; and, as he had nothing more to fear in his own kingdom, he prepared to face his
8th Aug. opponents in France, and sailed with his Scottish prisoners for Normandy. Such were the first consequences of William's fatal error, in mistaking the rash folly of "a true knight" for the gallant bearing of a king.*

In another month the war was brought to a triumphant conclusion by the elder Henry, who, at the personal request of Louis of France, set all his prisoners at liberty, with the exception of the king of Scotland, detaining William in fetters at Falaise until the month of December, before the terms of

* *Hoveden* 1174, p. 308. *Newbridge*, l. 2, c. 34, 37. Diceto improves upon the miracle of William's capture by adding that on the *very same day* the Count of Flanders and the younger Henry dismissed the fleet which they had assembled at Gravelines. To make the story still better, Wendover raises a tempest and sinks most of the vessels. As the allies left Gravelines on account of a message from Louis, who had *received intelligence of William's capture* (*Hoveden*), the knowledge of an event in France, on the very day on which it happened in Northumberland, would, in those days, have been undeniably miraculous.

his release were finally arranged.* They may be briefly described as follows :—

William was to become the liegeman of his lord, the King Henry, for Scotland, Galloway, and all his other lands, and to perform fealty to his liege lord in the same way as other vassals. His brother, his barons, his clergy, and all his other vassals, were to become the liegemen of the English crown, acknowledging that they held their lands of the English king, and swearing to support him, their liege lord, against the king of Scotland, if the latter ever failed in his fidelity.

The Scottish Church was to acknowledge the subjection due to the English Church; and the English Church was to possess all those rights over the Scottish Church to which the former was justly entitled.

For the strict observance of this convention, the castles of Berwick, Roxburgh, Jedburgh, Edinburgh, and Stirling, were to be made over to Henry, and to receive English garrisons, all expenses being defrayed by the Scottish king; David, and twenty-one of the earls and barons of Scotland, were to remain as hostages until the delivery of the castles; while each of these noblemen was further required to give up his son, or his next heir, as a pledge for the due performance of his part of the treaty after his own release. Three days after the conclusion of the convention of Falaise, William was allowed to leave his Norman prison, and proceed, in the first instance, to England; where he was to remain, in a state of comparative freedom, until the castles already mentioned were delivered over to the officers of the English king.†

* *Newbridge*, l. 2, c. 38.

† *Fœdera*, vol. 1, pt. 1, p. 30. Though *five* castles are mentioned in this convention, only *three* appear to

The conduct of Henry upon this occasion has been characterised by his advocates as generous and lenient; whilst it has been stigmatised by his opponents as harsh and illiberal. Neither view appears to be correct. When William, conceiving himself to have been aggrieved, united in a confederacy which, if successful, would have probably confined Henry within the walls of a monastery for the remainder of his life, the Scottish king was fully prepared to profit to the utmost at the expense of his enemy's weakness; and Henry did no more with the captive of Falaise than William would have done had their positions been reversed. But to maintain, as it has been sometimes asserted, that he might have put his prisoner to death, is to argue with a total disregard of the principles and sentiments of an age in which the death of an independent prince, like William, would have been even more revolting to the feelings of his contemporaries, than the public scourging of Henry in Canterbury Cathedral would be unsuitable to the ideas of the present time. In depriving his captive of his English fiefs, which were justly forfeited, and in extorting liege homage for Scotland, Henry displayed

have been given up—Roxburgh, Berwick, and Edinburgh. The latter was given back as the dowry of Ermengarde, and the two others were restored by Richard. As Stirling and Jedburgh are never alluded to, it is to be presumed that, for some cause, they were not claimed by Henry; indeed Newbridge, l. 2, c. 38, writes that only the three other castles were made over to the English king; and Wynton follows him, bk. 7, c. 8, l. 159. The treaty in the Fœdera is dated at Falaise; but a passage in Diceto (to which no allusion is made in the Capitula) states that the Convention took place near Valognes in the Cotentin; and in the version of the treaty given in the same passage, the castles of Roxburgh and Berwick only are mentioned. These were the two castles restored after the death of Henry, and the writer must have been ignorant not only that Stirling, Jedburgh, and Edinburgh, were also amongst the fortresses stipulated to be made over by the Scots, but that the latter was actually given up. This is another proof, I think, that the passages in Diceto, to which no allusion is made in the Capitula, are by another hand. *Vide Diceto* 1174, p. 584, and *Appendix L*, pt. 2.

neither mercy nor leniency, simply availing himself, to the utmost, of an opportunity for advancing his own interests at the expense of his unfortunate rival; and his conduct was that of an able and unsparing politician, exacting his own terms from a fallen foe. As such, it must be judged; and, as such, it is far less open to censure, than his repudiation in prosperity of the promises which he made in his adversity to his earliest and most faithful ally.

In the course of the summer after the release of William, both the English kings, who now affected the closest intimacy and regard, repaired in company to York: and here, upon the 10th of August, they were met by the king of Scotland, bringing with him Earl David, no longer lord of Huntingdon, with the bishops, abbots, earls, barons, knights, and other freeholders of Scotland, who united with their king in swearing fealty to the two Henries, and in ratifying the convention of Falaise. All became the liegemen of the English kings in the Cathedral church of St. Peter—a fabric of an earlier date than the present noble minster—and yet further to secure the exact fulfilment of the treaty, the clergy swore to lay their native land under an interdict, and the laity pledged themselves to hold, as true men, to their English suzerains, if ever William of Scotland proved unfaithful to his oath.* A.D. 1175.

For fifteen years the convention of Falaise remained in full force, and every action of Henry, down to the day of his death, exhibits the tenacity with which he clung to its scrupulous fulfilment. Not a papal legate was allowed to enter Scotland who had not first sworn to do nothing detrimental to the interests of the English king, with an addi-

* *Ben. Ab.* 1175.

tional promise to return through England—a proviso that precluded the possibility of evasion—whilst a similar pledge was exacted from all the Scottish clergy who attended the eleventh Council at the Lateran. William was continually summoned to attend, as a vassal, at the Court of his English lord; and he brought his earls and barons, when required, to assist at the councils of their common superior. He crossed the sea to Normandy, at the command of Henry, to submit to that king's decision in his dispute about the bishopric of St. Andrews; license was granted for his expeditions into Galloway; and he conducted the lords of that province to perform fealty to Henry, or to promise to abide by the decrees of the English court. In short, a comparison between the usual state of Scotland, and her condition during these fifteen years of real feudal subjection, affords one of the clearest and most convincing proofs of her entire freedom from all dependance upon her southern neighbour, at every other period of her history, before the reign of the first Edward.

The oaths of fealty and allegiance tendered in the church of St. Peter riveted upon Scotland the yoke of feudal dependance; but her Church was destined to vindicate with success her ecclesiastical liberties, and to evade the claims of the English metropolitans, which a special clause in the convention of Falaise had, to all appearance, triumphantly established. The contest which embittered the whole of the reign of Alexander, seems to have slumbered in the days of David, to break out afresh in the time of his eldest grandson, Malcolm, when the papal chair was occupied by Nicolas Breakespear, under the title of Adrian IV., the only Englishman who ever rose to be the head

of the Church of Rome.* His partiality to the land of his nativity was frequently manifested, and availing himself of the papal claim to dominion over all the islands, founded upon the imaginary Donation of Constantine, he willingly lent himself to the ambitious policy of Henry, authorising that king to conquer, and exact obedience from, the people of Ireland for the advancement of the interests of the Roman Church.† It is also probable that Adrian was inclined to favour the pretensions of the English metropolitans to the obedience of the Scottish bishops; for, immediately upon his death, a mission was dispatched to the next pope, and the successive appoint- A. D. 1159.
ments of the bishops of Moray and St. Andrews to the office of papal legate for Scotland guaranteed, for the time, the independence of the Scottish Church.‡

Upon the death of the bishop of St. Andrews, Roger, archbishop of York—the same prelate who was the rival and opponent of Becket—obtained the office of legate for England, and repaired to Norham A. D. 1163.
towards the close of Malcolm's reign, to summon the Scottish bishops to submit to his pretensions.

* In 1123-24 Alexander, just before his death, appointed Robert of Scone to the bishopric of St. Andrews, and he appears to have deputed John of Glasgow to maintain the liberties of the Scottish Church at the court of Rome. In 1124-25 John of Crema, the papal legate, was empowered to settle the points in dispute, subject to the final approval of the pope; and in 1128 Archbishop Thorstein consecrated Robert "Sine professione et obedientia pro Dei amore et Regis Scotiæ . . . . salva querela Eboracensis Ecclesiæ et justitia Ecclesiæ Sancti Andreæ." *Sim. Dun de Gestis*, 1124, 1125. *Ang. Sac.*, vol. 2, p. 237, quoted in *Hailes' Annals*, vol. 1, p. 76. It is curious to contrast the account of Simeon with that of Stubbs (*Twysden*, p. 1719). According to the chronicler who wrote two centuries and a half after the events which he describes, Thorstein grounded his claims upon the assertion that *the king of Scotland was the liegeman of the king of England;* whilst the contemporary Simeon confines the dispute strictly to *ecclesiastical* points; though the ill success of the English advocates provoked him into writing "Scotti dicebant *stulta garrulitate*, etc.!"

† The letter of the pope to Henry is preserved in *Diceto, ad an.* 1154, p. 529.

‡ *Chron. St. Crucis*, 1159, 1162. *Chron. Mel.* 1161.

Ingelram the archdeacon, and Solomon the dean of Glasgow, with Walter, prior of Kelso, were deputed to maintain the liberties of their Church; both parties appealed to Rome, and the Scots achieved a notable triumph when Ingelram was consecrated to the bishopric of Glasgow in spite of the opposition of the archbishop.*

The dispute again languished until the concessions recently extorted from William appeared to deal a death-blow to all the liberties of Scotland. A great
A. D. 1176. council was held at Northampton in the January after the meeting at York, at which, in obedience to a summons from his suzerain, William was in attendance with the bishops, abbots, and other ecclesiastical dignitaries of his kingdom, as liege subjects of the English king; and at the conclusion of the council the Scottish clergy were commanded, upon their allegiance, and in virtue of the oath which they had already sworn, to acknowledge their dependance upon the English Church. They denied that any such submission was due; and in reply to the assertion of the archbishop of York that the bishops of Glasgow and Galloway were rightfully his suffragans, Jocelyn of Glasgow, the spokesman of the Scottish party, affirmed that his see was "the daughter of Rome," and consequently independent of all other authority.†

But the cause of the Scottish bishops was best served by the disputes of the English metropolitans, as the archbishop of Canterbury opposed the pretensions of his own see to the rival claims of York;

* *Extr. ex Chron. Scot.*, p. 75. *Chron. Mel.* 1164. *Fordun*, l. 8, c. 15. *Vide* also *Hailes' Annals*, vol. 1, p. 120.

† *Fordun*, l. 8, c. 26, makes Gilbert Moray the spokesman of the Scots.

and Henry, foreseeing that he would be called upon to decide between the archbishops, and dreading the very idea of another collision with a churchman, hastily dismissed the Scottish clergy without exacting from them any admission of canonical dependance upon either see.* Upon their return to Scotland a deputation immediately set out for Rome,† and in the course of the same year an injunction was obtained from the pope forbidding the archbishop of York to press his claims except before the Roman Court :‡ and twelve years later the dispute was finally set at rest by the declaration of Pope Clement III., that the Church of Scotland was in immediate dependance upon the see of Rome.§

But the difficulties of William were not confined to ecclesiastical disputes, for the confusion amongst the Scottish army, after his capture at Alnwick, was only precursory of the anarchy, and disorganization, prevailing in the remoter provinces of his dominions for several years afterwards. Conspicuous amongst the disturbed districts was Galloway, for the alliance between the brothers, who were lords of the province, lasted only as long as it was their mutual interest to unite for the overthrow of the Scottish supremacy. The king's officers, or *Maors*, who appear to have A. D. 1174. been paralyzed at the suddenness of the attack, were either massacred or driven out of the country almost without resistance ; and fourteen years after the conquest of the principality, the royal authority was eradicated from Galloway, in fewer weeks than it had taken years to establish.

* *Hoveden* 1176, p. 314, gives the fullest account of these occurrences.

† *Ben. Ab.* 1176. *Wynton*, bk. 7, c. 8, l. 185 to 258.

‡ *Reg. Glasg.*, No. 38.

§ *Hoveden* 1188, p. 371. This privilege was confirmed by many subsequent bulls.

It then occurred to the elder brother Gilbert that his father had suffered no rival to share his dominions; and, after ascertaining the sentiments of his immediate adherents, he determined upon entrusting a body of men to his son, Malcolm, with instructions to remove all impediments from his path to undivided power. The son was worthy of the father, and surprising the unsuspecting Uchtred in his island home, he tore out his eyes and tongue, and then, with still more atrocious barbarity, left him in this state to perish slowly and in agony. So speedily had this tragedy been enacted, that when Henry dispatched his chaplain, Roger Hoveden, from Normandy, with directions to put himself in communication with Robert de Vaux at Carlisle, and to negotiate with the lords of Galloway about the transfer of their allegiance to the English crown, the envoys, upon their arrival in Galloway, found Gilbert sole ruler of the province. He entered with eagerness upon the subject of their mission, guaranteeing a yearly tribute of two thousand marks of silver, and a thousand head of cattle and hogs, if Henry would release him from his dependance upon the king of Scotland; but as the envoys possessed no power to conclude an arrangement without submitting the terms to Henry, they could only promise to lay the proposal before their king, and, with this reply, they
23d Nov. took their leave. As it was late in November before they reached Galloway, by the time they returned to Normandy the convention of Falaise must have been decided upon, if it had not been already completed; and as the clause accepting the homage of William for Galloway precluded Henry from entering into a separate agreement with Gilbert, he availed himself of the crime of the latter as an

excuse for breaking off the negotiations, and for refusing to treat upon any terms with the murderer of "his cousin Uchtred."*

Immediately after the conclusion of the cere- A. D. 1175.
mony at York, Henry granted license to William to march an army into Galloway, empowering him to seek out and seize the murderer, and bring him before the court of his liege lord for punishment.† Gilbert submitted without resistance; and, in the autumn of the following year, William again presented himself at the court of Henry, with the lord A. D. 1176.
of Galloway in his suite; but a fine seems to have been considered as a sufficient atonement for fratricide, and, upon the 9th of October, Gilbert swore fealty to the English king, giving up his eldest son Duncan as a hostage for his allegiance, and purchasing the royal favour at the price of a thousand marks of silver. No sooner had he returned to his principality than, driving out of the province all who were not of native origin, he denounced the penalty of death against every true-born Galwegian who dared to acknowledge that he held his lands of the king of Scots. His hatred against William was intense, and as no fear ever seems to have crossed his mind that he might forfeit the newly acquired favour of Henry

* The best account of these transactions is given by *Abbot Benedict*, 1174. He says that Henry made the first overtures through Hoveden. Hoveden himself is very reserved on the subject, makes no allusion to his own mission, and declares that the Galwegian princes solicited the intervention of Henry. Looking at the result of the mission, I think it very probable that there were some reasons for the reserve of Hoveden, and I am inclined to adopt the version of Benedict.

† *Ben. Ab.* 1175. This is another incidental proof of the complete feudal independence of the *kingdom* of Scotland at all other times; for no rebellion could have been put down without the permission of the English overlord, by whose court the rebels would have been tried; and Malcolm IV. would have had no more right to conquer and annex Galloway to his kingdom, than the Earl Palatine of Chester to conquer and annex Wales to his earldom.

by hostilities against his subject and ally, until the day of his death the Galwegian prince never omitted an opportunity of harassing and plundering the neighbouring provinces of Scotland; nor did his estimate of Henry's character prove to be incorrect.*

Few kings who lived in that age were fortunate enough to escape a collision with the Church of Rome, nor was William destined to be amongst the number. His quarrel with Pope Alexander III. arose out of a dispute connected with the bishopric of St. Andrews. Upon the death of Bishop Richard in 1178 the chapter elected John Scot to the vacant see; but the king, who had destined the bishopric for his own confessor Hugh, and was not accustomed to be dictated to in matters of church patronage, ordered his nominee to be installed and consecrated by the Scottish bishops, whilst the pope, espousing
A. D. 1180. the opposite side, commissioned his legate, the subdeacon Alexis, to consecrate John. Yielding to the advice of his clergy, William offered no opposition to this proceeding, but he swore by the arm of St. James—his favourite oath—that the same kingdom should not hold himself and John Scot, and after the conclusion of the ceremony he effectually frustrated the intentions of the pope by banishing John, with his uncle Matthew, bishop of Aberdeen, and all his relations, from the country. Alexander, highly exasperated, retaliated by threatening to extinguish the liberties of the Scottish Church which he had hitherto protected, and he engaged the king of England to interfere in his behalf, conferring the office of legate for Scotland upon the archbishop of

* *Ben. Ab.* 1176. The policy of Gilbert in driving out all "foreigners"—all who had not a "right of blood" to hold land in Galloway—was simply a repetition of the course adopted under Donald Bane and Duncan II. Galloway, in short, was a century behind *Scotia.*

York, and authorizing that prelate to excommunicate William, and to lay his dominions under an interdict if he still persisted in his determination. It was in vain that Henry summoned William to A. D. 1181. Normandy, where the banished prelates had taken refuge, and endeavoured to effect an arrangement. The king steadily refused to permit John Scot to enjoy the bishopric of St. Andrews, offering to appoint him to the chancellorship, with a promise of the first see that fell vacant in his dominions; and as the pope determined with equal firmness that none but John Scot should preside over the contested diocese, refusing to listen to any sort of compromise, every one who acknowledged Hugh was excommunicated by the papal legate, whilst all who denied his claim were banished by the king.

Such was the state of Scotland towards the close of the year 1181, when, to the unfeigned delight of William, he was unexpectedly released from his difficulties by the deaths of the aged pope and of Roger, archbishop of York, the inveterate opponent of the liberties of the Scottish Church. The bishop of Glasgow and the abbot of Melrose were commissioned to set out immediately for Rome, for the purpose of negotiating an arrangement with the new A. D. 1182. pope; and Lucius III., reversing the policy of his predecessor, absolved William from the excommunication, released his kingdom from the interdict, and forwarded to him the Golden Rose in token of amity.* It was subsequently agreed that both bishops, resigning their sees, should be reinstated by the pope, Hugh retaining the bishopric of St.

* "On the Sunday which happens in the middle of Lent, the pope was wont to bear in his hand a rose of gold, enamelled red, and perfumed; this he bestowed as a mark of grace . . . By the *rose* Christ was figured, by the *gold*, his kingly office; by the *red colour*, his passion; and by the *per-*

Andrews, and John Scot receiving Dunkeld; and though six years elapsed before the dispute was brought to a final close, after the death of Alexander no serious misunderstanding arose between the king of Scotland and the papal see.*

A. D. 1181. During the absence of William in Normandy, whilst he was in attendance at the court of Henry upon the subject of his dispute with the papal see, some of the leading nobility of Scotland—probably of *Moravia*—taking advantage of the distracted state of the kingdom, made overtures to Donald Bane, a son of William Fitz Duncan, inviting him to assert his claim upon the throne of Scotland. This Donald, better known as Mac William, had already put forward his pretensions to the Scottish crown, but his attempts had been hitherto limited to predatory incursions, nor had he ever yet obtained a permanent footing in the country; but the old spirit of disaffection still lingered in the north and west, where the enemies of the king flocked to the standard of his hostile kinsman as readily as they had once gathered around the banner of the heir of Moray, and the insurrection soon rose to a formidable head.† Upon

fume, his resurrection. This is no impertinent Protestant gloss," adds Lord Hailes, "it is the interpretation given by Alexander III., when he sent the mystical present to Lewis VII., king of France." *Hailes' Annals*, vol. 1, p. 140, note.

* The whole account of these transactions will be found—at far greater length than is accorded to matters of far greater importance—in *Hoveden*, 1180, p. 341-342; 1181, p. 350-351; 1182, p. 351-352; 1183, p. 354; 1186, p. 360-361; 1188, p. 368-369-370. I need hardly add that it will scarcely repay the perusal. The death of Hugh, of malaria, at Rome in 1188, may have been the real cause of the conclusion of the dispute. It was on the occasion of this visit of William to Normandy that Diceto has recorded his astonishment at the unwonted spectacle of a meeting between four kings passing over without a quarrel, "pacificos convenisse, pacificos recessisse!"

† Donald filius Willelmi filii Duncani, qui sæpius calumniatus fuerat Regnum Scotiæ, et multitotiens furtivas invasiones in regnum illud fecerat, per mandatum quorundam potentium virorum de Regno Scotiæ, cum copiosa multitudine armata applicuit in Scotia. *Ben. Ab.* 1181.

his return to England towards the close of July, William received intelligence of the invasion of Donald Bane, but it was not until the middle of September that he obtained the permission of Henry to absent himself with his attendant barons from the English court, and to take measures for the defence of his kingdom. He at once hurried with his brother David toward the provinces in possession of the enemy, but Mac William appears to have avoided an encounter, and the king was obliged to remain satisfied with strengthening his hold upon the marches and lowlands of Ross-shire, and confining his enemy to the remoter Highland districts, by the erection of the two castles of Eddirton and Dunscath.*

Although he was now released from the interdict, William found too much occupation, in attending to the internal dissensions of his own kingdom, to attempt any interference in the quarrels between Henry and his sons. Mac William in the north was still unsubdued, whilst Gilbert of Galloway openly invaded the Lothians, plundering the country, massacring the inhabitants, and refusing to listen to any terms of accommodation. Such was the state of disorder created by the Galwegians, that in the year 1184 William had assembled an army to repress the outrages of Gilbert, when the return of Henry from Normandy induced him to alter his intentions, and, dismissing his followers, he hastened southwards to meet the English king. Mingled motives may have dictated this change of purpose, though, as a vassal of the English crown, he was not strictly justified in avenging himself upon another vassal without the

A. D. 1184.

* *Ben. Ab.* 1181. *Chron. Mel.* 1179. *Fordun*, l. 8, c. 28. The first is supposed to have been Redcastle; the second was in the neighbourhood of Cromarty, commanding the entrance of the Firth, and securing that part of the province which was the seat of the bishopric of *Rosmarkinch*.

license of his superior; but at this time particularly, he was anxious to avoid every cause of quarrel with Henry, for the Duchess of Saxony had arrived in the train of her father from Normandy, and William was a suitor for the hand of her daughter Matilda. Simon de St. Liz also, upon whom the Honor of Huntingdon had been conferred, had lately died without an heir, and the Scottish king was equally on his guard lest any misunderstanding should interfere with his claims upon his former fief.*

Henry readily promised his consent to the proposed union if a papal dispensation could be obtained, but though the relationship was somewhat distant—for Matilda was eight degrees removed from William according to the old computation of the civil law, though only four by the later canonical method of reckoning—the pope refused compliance, and from subsequent occurrences it is not improbable that Henry was secretly opposed to the marriage. As a set off to the failure of his suit with Matilda, the forfeiture of Huntingdon was reversed, and though several of the English barons put forward pretensions to the
A. D. 1185. fief, offering large sums of money for its possession, it was restored by Henry to the Scottish king, who immediately sub-infeoffed it to his brother David.†

The renewal of the grant of Huntingdon was decided upon at a council held at London in the middle of Lent 1185, at which the king of Scotland and his nobility were in attendance, to consult upon

* *Ben. Ab.* 1184. Strictly speaking, Matilda was no longer duchess of Saxony, as her husband, Henry the Lion, had been forfeited five years previously by the Emperor Frederic, who gave his duchy of Saxony to Bernard of Anhalt, son of Albert the Bear, first Margrave of Brandenburg. But Bernard never made good his claims over the Saxons on the Weser, the tenants of the *Allodial* lands to which Henry had succeeded in right of his mother Gertrude, heiress of the Saxon Emperor Lothaire.

† *Ben. Ab.* 1185. *Hoveden* 1184, p. 355.

a letter which had been received from Pope Lucius respecting the relief of Jerusalem.* William had been recently released from one of his bitterest and most implacable foes, for Gilbert of Galloway had died in the preceding January. Duncan, the heir of the deceased lord, was still residing at the court of England in his original capacity of a hostage; but a competitor for the principality had already arisen in Roland, the eldest son of the murdered Uchtred, who had now passed ten years in exile at the Scottish court, where he had married Helena, the daughter and heiress of the Constable—the same Richard de Moreville who had been included in the excommunication of William for his staunch adherence to the cause of his royal master. Roland, therefore, was attached to the connection with Scotland both by interest and inclination; he was a Scot rather than a Galwegian, and in his attempt to recover the inheritance of his father he was assisted by a numerous band of auxiliaries from the kingdom in which he had so long resided.†

The summer found him in Galloway, entering upon a course of brilliant and unchequered success. 4th July. Gillepatrick, Henry Kennedy, and Samuel, the partners of the late lord in his hostilities against Scotland, and the leaders of the faction now in arms to secure the succession of his son, were one after the other defeated and slain: a similar fate was in store for Gillecolum, who appears to have held the lands of

* *Ben. Ab.* 1185.

† *Ben. Ab.* 1185. *Fordun*, l. 8, c. 39. There is no actual mention made of the residence of Roland at the Scottish court; but his marriage with the daughter of one of William's firmest adherents, and the favour subsequently shown to him by the king, afford very fair evidence that he was closely connected with Scotland; so that during his exile he most probably resided in the country from which he drew a great part of the army with which he re-established himself in Galloway.

Gilbert against either claimant, but of whom little else is known except his incessant ravages of the Lothians; and further resistance was soon crushed out by the vigorous measures of Roland, who inflicted summary vengeance on all who refused to acknowledge his authority. His residence in Scotland had converted him into a feudal baron, and he lost no time in securing the submission of the province by rebuilding, and garrisoning, the royal castles which had been destroyed by the sons of Fergus, on their return after the catastrophe at Alnwick.*

Intelligence of Roland's proceedings must have reached Henry in the course of the same year, but he passed them over without notice until his return
A. D. 1186. from Normandy, when, shortly after Christmas, William and his barons were again in attendance at the court of England. They were treated by Henry with the most marked and studied courtesy, for it was his object to prepare them for the marriage which he had projected between Ermengarde de Bellomont and William; and the anxiety of Henry to conclude a union which would confer no increase of political importance upon his royal vassal, strengthens the supposition that he had looked unfavourably upon the alliance with Matilda of Saxony. Such thoughts may have passed through the mind of William, for he delayed his final consent to Henry's proposal until after a lengthened conference with his barons, who were possibly influenced in favour of the projected marriage by the prospect of regaining, as the

* *Ben. Ab.* 1185. *Fordun*, l. 8, c. 39. *Chron. Mel.* 1185. From the latest of Mr. Innes' interesting contributions to Scottish history it may be gathered that this Gillecolm was probably a certain Gillecolm Mariscall, who "rendered up the king's castle of Heryn feloniously, and afterwards wickedly and traitorously went over to his mortal enemies, and stood with them against the king, to do him hurt to his power."—*Sketches of Early Scottish History*, p. 208.

dowry of their future queen, the important castle of Edinburgh.*

As the grand object of Henry was now attained, he was at liberty to turn his attention to the affairs of Galloway; and accordingly he directed William, on his return to Scotland, to summon the new lord of the province to repair to the English court, for the purpose of rendering an account of his conduct in entering upon the lands of Duncan, and other barons of Galloway, seizing upon their castles, and disposing of their possessions without any reference to his suzerain. Roland took no further notice of the summons than to strengthen the natural defences of the country by felling trees in the passes, and by endeavouring, in various other ways, to render the approaches to the province impassable for an invading force. But Henry was in earnest, and he concentrated the whole military force of England on Carlisle, where he was met by the Scottish contingent under William and his brother David, whom he deputed to bring Roland to his presence. They returned at first without success, for the lord of Galloway appears to have been reluctant to entrust himself within the power of Henry without some pledge for his safety; but after a second mission, in which the bishop of Durham and Ranulph de Glanville were associated with the former envoys, and empowered to give hostages for his security and safe conduct, Roland placed himself in the hands of the Scottish princes, and was presented by William to the English king. It was not the object of the latter to proceed to extremities, for as long as the lord of Galloway admitted his dependance upon the English crown, it was immaterial to Henry by whom

* *Ben. Ab.* 1186.

the fief was held; and he was satisfied with accepting the allegiance which Roland tendered for his father's lands, with his promise to abide by the decision of the English court respecting the claims of his cousin Duncan. The three sons of the Galwegian chieftain were then delivered over as hostages for the fidelity of their father; William, his brother, and his barons bound themselves on oath to enforce the adherence of Roland, if necessary, to his English allegiance; and as a further security against a breach of faith, the bishop of Glasgow promised, upon the relics of the saints, to fulminate against the prince, if he proved a traitor, all the pains and penalties incurred by a disobedient son of the Church.*

Such was the conclusion of the disturbances of Galloway, and from the date of this arrangement Roland remained in undisputed possession of the whole principality. It is impossible to say whether Duncan ever prosecuted his claim upon his paternal inheritance; but, immediately upon the death of Henry, William, who had all along been favourable to Roland, conferred the district of Carrick as an earldom upon Duncan, on condition that the new earl should resign all claims upon the lordship of his cousin.† In this arrangement Duncan willingly acquiesced, thus becoming the first possessor of the Earldom of Carrick, a fief which was destined once more to revert to the crown, when the illustrious great-grandson of the first earl ascended the throne of Scotland as Robert the First. Ere long William reaped the full benefit of having secured a firm and devoted adherent in Roland of Galloway.

Sept. Upon his return from this expedition, Henry

* *Ben. Ab.* 1186. *Fordun*, l. 8, c. 40. *Chron. Mel.* 1186.
† *Fordun*, l. 8, c. 40, 50.

celebrated the marriage of William and Ermengarde with much pomp and ceremony, placing the palace of Woodstock at the disposal of the royal pair. After four days spent in feasting and revelry, the young queen departed for her husband's kingdom, the earl of Huntingdon escorting her, with the rest of the Scottish nobility who had been present at the celebration of the marriage; whilst William, instead of attending upon his bride in her progress to the north, accompanied the English king to Marlborough.*

Six years had now elapsed since the establish- A. D. 1187.
ment of Mac William in the country, where his influence and power had increased to a formidable extent, and the affairs of the north began to assume an alarming aspect. The majority of the barons and thanes of Ross, and other portions of *Moravia*, had by this time ranged themselves beneath his banner;† whilst the connection of the lords of Argyle, and the Isles, with the family of Malcolm Mac Heth, must have disposed the leading nobles of the Western Highlands to display a very lukewarm adherence to the royal cause. With the greater part of the north and west either openly, or secretly, in his favour, Mac William could also calculate upon the support of many other leading men, who had been parties to his first establishment in the country; and the king perceived that a crisis had at length arrived, in which he must either immediately crush his competitor, or risk the loss of half his kingdom.‡

Accordingly, in the summer of 1187, all the military force of Scotland which had not openly declared for Mac William, was ordered to concentrate upon

* *Ben. Ab.* 1186. *Chron Mel.* 1186.

† *Fordun*, l. 8, c. 28, 43.

‡ "Et multa incommoda faciebat sæpe Willelmo Regi Scotiæ *per consensum et concilium* Comitum et Baronum Regni Scotiæ," are the words of *Ben. Ab.*

Inverness; and William contemplated placing himself at the head of his army, following his rival into the remoter Highlands, and forcing him to a decisive contest, about the result of which he entertained little doubt. Many of his barons, however, who were alive to the dangers of the impending campaign in a wild and mountainous region, vehemently opposed the royal project, dreading the repetition of some disastrous accident from the fiery and impetuous courage of the king. They were uneasy, also, about the fidelity of a certain portion of the royal army, who were quite as well inclined to favour Mac William as to support the cause of the king; and, acquiescing at length in the prudence of their advice, William consented to remain at Inverness, and to entrust the immediate conduct of the war to leaders upon whose ability and fidelity he could depend.

A fresh difficulty arose, after the king's decision, from the positive refusal of some of his principal nobles to march without the king against Mac William. At a moment of such vital importance to the royal cause, when the exertions of the well-affected were paralysed by this unexpected sedition, the eyes of all the army were turned upon the Lord of Galloway; and it was well for William that, in this crisis, he could count upon the fidelity of that powerful baron.* No hesitation marked the conduct of Roland, who at once threw the whole weight of his influence and authority upon the side of his royal master; and when, in consequence of the dispute, it was arranged that the main body of the army should remain with William at Inverness, placing himself

* Ad cujus nutum omnium pendebat sententia, *Ben. Ab.* Roland was not yet Constable of Scotland, so that he was not acting in an official capacity. He succeeded to the hereditary dignity of his wife's family on the death of his brother-in-law, William de Moreville in 1196. (*Chron. Mel.*)

at the head of three thousand of his own followers, upon whose fidelity he could depend, he set out in search of Mac William, in the determination of carrying out in person the original intentions of the king.

The fate of Scotland was decided by an accident; and it has twice been the destiny of Inverness to witness, in its vicinity, the termination of a contest for a crown. Upon the moor of Mamgarvy, some long forgotten spot in that neighbourhood, the party of Roland unexpectedly fell in with a body of the enemy, whose numbers were about equal to their own. Neither party shunned the contest, but the royalists gained the day, and amongst the slain was discovered the lifeless body of Mac William. His death terminated the war, and the victor returned in triumph to Inverness, to earn the grant of the broad lands of Galloway with the head of his royal master's most formidable and inveterate opponent.*

The death of Donald Bane at once restored peace throughout the north of Scotland. The strength of his cause had lain, not so much in the devotion of his adherents to his own person, as in their disaffection towards the reigning sovereign; and the same feelings which had induced many of the Scottish nobles to look with indifference upon the increase of Donald's power, rendered them equally careless about its extinction. No enthusiastic clansmen burned to

* *Ben. Ab.* 1187. *Fordun*, l. 8, c. 28. *Chron. Mel.* 1187. I have followed the account of Benedict, which is very full and interesting. The whole of Galloway was made over to Roland immediately after the death of Henry; and as William made this grant at the expense of creating the earldom of Carrick for Duncan, it may well be inferred that the donation of the whole principality to Roland was a reward for his invaluable services. At this period of Scottish history the historian has much cause to regret the loss of "the Roll, in eleven parts, of recognitions and old charters, of the time of William and his son Alexander, and of those to whom the said kings formerly gave their peace, and of those who *stood with Mac William.*"—(*Robertson's Index*, p. xvi.)

avenge the slaughter of their chief; for no hereditary attachment united his followers to Mac William, like the feelings which once bound the men of Moray to the descendants of their early kings and mormaors.* The cause of Mac Heth was identified with the claims of the ancient line of Kenneth Mac Duff; but the powerful chieftains of the North and West, who adhered to that family from hereditary associations, must have followed the banner of Mac William from enmity to the reigning family, or from dislike to their feudal innovations, rather than from any clannish feeling of attachment to the heir of Malcolm Ceanmore's eldest son, who claimed to be the rightful representative of the rival line of Atholl.

A. D. 1188. Scotland had at this period almost regained the position in which she stood before the fatal capture of her king. Galloway was at length pacified, the north and west were no longer in open rebellion, and Scottish men-at-arms once more garrisoned the castle of Edinburgh; but Henry still retained Roxburgh and Berwick, the keys of the southern frontier, and for the cession of these important fortresses William offered to pay 4000 marks of silver. Henry signified his readiness to restore the castles if William, in return, would agree to grant him the tenths of the kingdom of Scotland for the projected crusade, an arrangement to which the latter promised to consent, if he could prevail upon his people to give their sanction to the terms; but when the bishop of Durham, who was deputed by his king to collect the promised aid, arrived for this purpose upon the frontiers of Scotland, he was met between Werk

* Et propter mala quæ fecerat neque luctus neque clamor, sed nec ullus dolor de morte ejus factus est—*Ben. Ab.* The words of the historian display the indifference with which many at that time looked upon the success or ill fortune of either party.

and Brigham by the Scottish king, who unexpectedly prohibited his further advance. William renewed his original offer for the castles, explaining to the bishop, that, personally, he was still ready to adhere to his compact with Henry; but that upon assembling his barons and clergy in council, they had unanimously refused to listen to the arrangement, asserting that they would refuse to grant away the tenths of Scotland, though both kings had sworn to levy them in person. In vain the English envoy attempted to turn the Scots from their purpose; threats and persuasion were equally unavailing, for the determination of the latter was inflexible; and as the bishop was not empowered to take into consideration the propositions of the Scottish king, he was obliged to return empty handed to the south, and convey to his master in Normandy the impotent result of his mission.*

In the following year the ingratitude of his favourite son John, for whose sake he had provoked the hostility of Richard, by evading the acknowledgment of the latter as his rightful successor, completed the ruin that fatigue and chagrin had commenced, and, early in July, Henry of England died of a broken heart at Chinon. Earl David appears to have been implicated in the rebellion of Richard, for Huntingdon was amongst the fiefs granted by the latter at Tours, upon the day after the army of the confederates was enabled, through the continued drought, to enter that town by fording the A. D. 1189.

* *Ben. Ab.* 1188. *Hoveden* 1188, p. 366. Such, I think, is the purport of what may be gathered from the accounts of these two authorities, who at first sight appear to contradict each other. Hoveden appears to have confined his account to the actual meeting between William and the bishop of Durham; whilst the narrative of Benedict refers rather to the preceding negotiations.

shallow Loire.* The death of Henry was fraught with most important consequences for Scotland, for Richard, with all the enthusiasm of his impetuous nature, was burning to lead the chivalry of Europe to the re-conquest of the Holy Sepulchre, and as money was most essential for carrying out the crusade, in every imaginable method he sought to procure it. The great offices of the crown were put up for sale; the favour of the king was purchased by his illegitimate brother Geoffry; and the earldom of Northumberland was bought by the bishop of Durham.† Ten thousand marks of silver were paid by William as the price of the independence of his kingdom and of the restoration of the castles of Roxburgh and Berwick; and in the following November, about six weeks after the coronation of Richard, at which the earl of Huntingdon had assisted, bearing one of the swords of state, the archbishop of York, with the sheriff and barons of the shire, met William at the Tweed, and in obedience to the commands of their sovereign, escorted him with every mark of honour to Canterbury. Here upon the 5th of December, after duly performing "such homage for his English dignities as his ancestors were wont to render to the predecessors of the English king," he received from the hands of Richard a charter annulling all the concessions extorted by Henry at the time of his capture; and after fifteen years of feudal subjection, the consequences of the disastrous accident at Alnwick were at length repaired, and the independence of Scotland re-established.‡

* *Fœd.*, vol. 1, pt. 1, p. 48. William does not appear to have been implicated. He had probably suffered enough already.

† *Hovaden* 1189, p. 374-77.

‡ *Ben. Ab.* 1189. *Hovaden* 1189, p. 377. *Fœd.*, vol. 1, pt. 1, p. 50.

CHAPTER XIII.

WILLIAM THE LION—1165–1214.

PEACE reigned throughout the northern borders of England during the absence of her king in the Holy Land; and when Richard languished in the dungeons of the emperor, William contributed two thousand A. D. 1193. marks towards his ransom. No countenance was afforded by the Scottish sovereign to the intrigues of Philip and John; but upon the release of the royal captive, Earl David of Huntingdon was the first to declare in his favour, and uniting with the Earl of A. D. 1194. Chester, whose sister he had married, he joined in besieging the strong castle of Nottingham on behalf of the liberated king.*

Early in April, and shortly after the Council of Nottingham, William met the king of England at Clipston, passing the remainder of the month in his company. He soon found an opportunity for urging a restoration of the dignities and honors which had belonged, as he maintained, to his predecessors, putting forward a formal claim upon the earldom of Northumberland, and the Honor of Lancaster, together with the counties of Cumberland and Westmoreland—the whole territory, in short, which had once been held by his father, Earl Henry. Richard

* *Chron. Mel.* 1193. *Hoveden* 1190, p. 387; 1194, p. 418. The 2000 marks were, probably, the usual feudal aid towards ransoming the superior of his fiefs in England.

returned an evasive answer, alleging that he must consult his barons: and after the council held at Northampton, in Easter week, he replied that, in his present circumstances, it was impossible to listen to William's demands; as concession on his part would be attributed to his fear of the French war, rather than to his affection for the Scottish king. As a set off to a reply which was tantamount to a refusal, he conferred upon William a charter of privileges, specifying that whenever the king of Scotland attended the English court, the whole of his expenses should be defrayed out of the English exchequer; and providing that he should be escorted, both in arriving and on his return, by the bishops and sheriffs of the different dioceses and counties, through which it was necessary for him to pass in the course of his progress. William was obliged to be satisfied with this concession; and he assisted, in token of amity, at the second coronation of Richard, bearing, upon this occasion, the principal sword of state.*

Another opportunity soon occurred for again advancing his claims. After the conclusion of the coronation, the bishop of Durham resigned his earldom of Northumberland into the hands of Richard, and the king was on the point of transferring it to Hugo Bardolf, when William hastened to offer 15,000 marks for the fief. The magnitude of the sum tempted Richard, who was seldom proof against an offer of this description, and, after a short deliberation, he consented to grant the earldom without the castles —or, in other words, the pecuniary, but not the political, advantages of the fief—a compromise which did not accord with the views of William. He made a final effort to obtain his object a few days before the

* *Hoveden* 1194, p. 419. *Fœdera*, vol. 1, pt. 1, p. 62.

departure of Richard for Normandy, but equally without success, for the latter would only hold out the hope that he might take the matter into consideration on his return from his expedition into France; and the Scottish king, towards the close of the month, retraced his steps towards the north in bitter chagrin at his failure.*

In the course of the following year, William was A. D. 1195. seized with an alarming illness at Clackmannan, and, in the momentary expectation of death, assembling his leading nobles, he made known his intention of declaring as his successor Otho of Saxony, a son of Henry the Lion, and subsequently emperor of Germany, on the stipulation that the prince should marry his eldest daughter Margaret. The proposal was but coldly received by many of his nobility; Earl Patrick of Dunbar, as the spokesman of the dissentient party, maintaining that it was contrary to the custom of Scotland for the crown to descend in the female line, as long as there was a brother, or nephew, in the succession.† The question was terminated for the time by the recovery of the king; but he did not relinquish his purpose, and, at Christmas, he gave an audience at York to the archbishop of Canterbury, who was empowered by Richard to conduct the negotiations connected with the marriage in question. Lothian was to be the dowry of the Scottish princess, and the castles of that province were to be made over to the keeping of the English king; whilst Richard engaged to bestow the earldoms of Carlisle and Northumber-

* *Hoveden* 1194, p. 420.

† *Hoveden* 1195, p. 430. *Fordun*, l. 8, c. 56, alludes to the occurrences at Clackmannan, but he confounds the princess Margaret with one of William's illegitimate daughters of the same name who was married to Eustace de Vesci. Margaret afterwards married Hubert de Burgh, and Otho subsequently became emperor as Otho IV. His nephew Otho was the first duke of Brunswick and Luneburg.

land upon his nephew the Saxon prince, and to place all the castles of those fiefs in the hands of William.* But this convention was never destined to be carried out; the return of health, and the hopes of an heir, induced William to procrastinate; and the reasons which influenced him in entering upon the negotiation were finally removed, three years afterwards, when his queen presented him with a son.

It was in the year following this abortive negotiation about the marriage of his eldest daughter with the Prince of Saxony, that the attention of the king was directed to renewed commotions in the north; but, to explain the origin of these disturbances, it will be necessary to revert once more to the history of the Orkneys.

Paul and Erlend, the joint earls, who were deposed and sent prisoners to Norway by Magnus Barefoot, never revisited their native land. They
A. D. 1099. died in exile; and about two years after Magnus lost his life in Ireland, Hacon, the son of Paul, who had
A. D. 1105. rendered good service in the Irish expedition, obtained from the sons of the deceased king a grant of the earldom of the Orkneys. The sons of Erlend had been also carried off by the Norwegian king; but Magnus Erlendson, taking advantage of a moment, when he was unobserved, to plunge into the sea, swam to the neighbouring shore of Scotland, and thus escaped; whilst his brother Erlend, who remained on board, lost his life subsequently in battle.†

Magnus Erlendson remained quietly at the Court of Scotland until the departure of Sigurd Magnusson for Norway, when he sailed for the Orkneys to claim his share in the earldom. Hacon viewed his arrival

* *Hoveden* 1196, p. 432.

† *Heimsk.* vol. 3, *Saga* xi., c. 12; *Saga* xii., c. 2. *Antiq. Celt. Scand.*, p. 239.

with displeasure, but as the feeling of the islanders was in favour of his cousin, he consented to abide by the decision of the Norwegian Court, and Magnus was shortly afterwards confirmed in the possession of his father's portion of the earldom. Little cordiality existed between the earls, and they were at length upon the brink of an open rupture, when it was agreed that they should meet upon the small islet of Egillsey for the arrangement of their mutual differences. To this spot, accordingly, Magnus repaired upon the appointed day, and, faithful to the conditions of the meeting, he brought with him only a few unarmed friends. Hacon arrived soon afterwards with a squadron of eight ships, filled with the rovers of the sea; and as the armed crews stepped upon the shore, the son of Erlend foresaw his doom. He met it with fortitude and resignation; his head was severed from his body; and the islanders, horror stricken at the perfidious murder, long venerated their favourite earl as a martyr and a saint.*

Success affording leisure for repentance, Hacon sought to expiate his crime by a pilgrimage to Jerusalem; and upon his death, some years afterwards, the earldom was divided between his two sons by different marriages, who were known respectively as Paul the Silent, and Harald the Eloquent. The latter, who was the younger, appears in some of the Scottish charters as earl of Caithness, a province which then, and long afterwards, seems to have extended as far as Dingwall.† The usual jealousy existed between the brothers, ceasing only with the

* *Torf. Orc.*, l. 1, c. 18. It would be difficult to say *who* canonized Magnus. Pope Alexander III. placed canonization "inter majores causas." Before his time any metropolitan might make a saint.

† The lands of Dingwall and Ferncrosky in *Sutherland* were granted in 1308 to the earl of Ross. *Act Parl. Scot.*, vol. 1, p. 117.

life of Harald, who is said to have met his death in a mysterious and unaccountable manner, and, as was generally supposed, through wearing, by mistake, a poisoned garment intended for his half-brother Paul, who was an object of hatred and aversion to Helga and her sister Frakarka, the mother and aunt of Harald. The opportunity was not lost upon the surviving earl, who, very easily convinced of the guilt of Helga, banished her immediately from the islands. Her brother Ottir was lord of Thurso, and her sister also held large possessions on the mainland. To them accordingly she repaired, with her grandson Erlend Haroldson and her daughter Margaret, who was soon afterwards married to Madach, Earl of Atholl, one of the greatest nobles of the day, and a first cousin of David, who, at this period, occupied the throne of Scotland.*

Earl Paul was not destined to hold for any length of time undisputed possession of the whole earldom, for a competitor arose in the person of a descendant, and heir to the claims, of Erlend Thorfinson. In one of his numerous conflicts in the western seas, Magnus Barefoot lost an attached and faithful follower of the name of Kali, upon whose son he conferred large possessions in the Orkneys and elsewhere, with the hand of Gunhilda, the daughter of the elder Erlend. Gunhilda, after the death of her brothers, became the heiress of her father's rights; and it was her son who now demanded his share of the earldom from the surviving son of Hacon. His real name was Kol, the same as that of his father, but he assumed the name of Rognwald, which was popular amongst the Orkneymen, from his supposed resemblance to Rognwald Brusison, who is said to

* *Torf. Orc.*, l. 1, c. 19. *Antiq. Celt.-Scand.*, p. 250, 254.

have still lingered in the recollection of an aged Norwegian queen as the handsomest man of her time.*

Paul refused to listen to the claims of Rognwald, though they were supported by the authority of the Court of Norway; but Frakarka and her sister Helga willingly agreed to further his cause, promising to attack the earl from the mainland, whilst Rognwald assailed him from the sea. But Paul was on the alert, holding his ground successfully against both attacks; nor was it until some years later that Rognwald, to whom the Shetlanders steadily adhered, was enabled to extend his authority over the whole of the Orkneys, through the surprise and capture of Paul by the contrivance of the Earl of Atholl.† A. D. 1135.

The first step taken by the new earl was to identify his cause with the memory of his murdered uncle, whose aid had been invoked in support of the second and successful expedition. Policy as well as gratitude suggested that the fortunate result should be attributed to the intervention of the popular martyr, and Rognwald vowed that a lasting monument should hand down the remembrance of his murdered kinsman, and commemorate, at the same time, the manner in which the saint had interfered in his own behalf. In accordance with his vow a stately cathedral church arose at Kirkwall, which was dedicated in honour of St. Magnus; but it was a work far beyond the means of the earl, and to further its completion, he was obliged to restore their rights to the Odallers, who were permitted to regain

* *Torf. Orc.*, l. 1, c. 20, 21. She must have been an ancient lady, for Ronald the Second died before Thorfin!

† *Torf. Orc.*, l. 1, c. 21, 22, 24, 25. *Antiq. Celt.-Scand.*, p. 254-55.

their ancient privileges on payment of a large contribution in aid of the building.*

In the meantime the luckless Paul was conducted to the residence of the Earl of Atholl by his captor Sweyne Asleifason, a powerful nobleman of Caithness at feud with the earl on account of his banishment from the Orkneys. Here he was treated with the most ceremonious courtesy. The chair of state was resigned to him by Madach; the beautiful Margaret, surrounded by her ladies, received him with the cordial welcome of a sister; mummers and jesters relieved the monotony of the hour; and in the true spirit of northern hospitality the evening was devoted to drinking. Thus passed the leisure time of a Scottish nobleman in the twelfth century, when he was not engaged in the more stirring pursuits of war, or of the chase. One thing alone reminded the deposed earl of the real position in which he stood—the doors were invariably locked.†

Paul long maintained his reputation for taciturnity, but at length he appears to have spoken, and to the
A. D. 1137. purpose; for two years after the accession of Rognwald, whilst that earl was celebrating with his friends some festive occasion in the month of July, their attention was attracted by the arrival of a vessel from the south with a venerable personage on board, whose purple cloak and quaintly trimmed beard aroused the curiosity of the Orkneymen, until the earl's chaplain pronounced the mysterious stranger to be a Scottish bishop.‡ He was received with every mark of respect, and subsequently escorted to Egillsey, the residence of William, Bishop of the Orkneys; and

* *Torf. Orc.*, l. 1, c. 21, 22, 24, 25. A mark for every plough-gang is said to have been the amount of the contribution.

† *Antiq. Celt.-Scand.*, p. 256-57.

‡ He is called Bishop John. The only Bishop John at that time was the Bishop of Glasgow.

the result of a conference between Rognwald and the two prelates was the admission of the claim of Harald Mac Madach to his uncle's share in the earldom, in virtue of the resignation of Paul. The rights of Harald, then a child between four and five years of age, were confirmed at an amicable meeting, held in Caithness, by the leading chieftains of Atholl and the Orkneys, representing "the communities" of the respective earldoms;* and, in the following spring, A.D. 1138. he was consigned to the charge of Earl Rognwald, though his real supporters appear to have been Sweyne Asleifason and Thorbiorn, a grandson of Frakarka, married to the sister of Sweyne, and guardian to the youthful earl.†

Fifteen years elapsed without any diminution in A.D. 1153. the friendship of Rognwald for his youthful colleague; Madach and his royal cousin sunk into the grave; and the elder earl departed for the Holy Land, leaving Harald in charge of the earldom.‡ The same year witnessed the last expedition, in which a Norwegian king enacted the part of a pirate in the

* So, in 1308, during the minority of the Earls of Fife, Menteith, Mar, Buchan, and Caithness, the "Communitates Comitatum" represented the earldoms. *Act. Parl. Scot.*, vol. 1, p. 99. In fact, in a certain state of society, when the power of the crown, though acknowledged, was comparatively feeble, the community had still practically a voice in the appointment of their *Senior*, and the heir could not hold his ground without, on the one hand, their consent, and on the other, the confirmation, of the crown. Such was the case at this period in the north and west of Scotland; and a similar state of affairs is more or less traceable in Saxon Northumbria, and apparently in the Danelage, before the Conquest.

† *Antiq. Celt.-Scand.*, 257-89. The dates of these occurrences are easily ascertained. Harald Mac Madach died in 1206 (*Chron. Mel.*) For twenty years he ruled the Orkneys in conjunction with Ronald, whom he survived for forty-eight years. He was five years of age when he received the title of earl; and as he reached the Orkneys in the year after the expedition of Bishop John, Ronald must have held the earldom at that time for three years. (*Vide Flatey Book in Col. de Reb. Alb.*, p. 354.) Harald was therefore born in 1133, and succeeded to his share in the earldom in 1138. Ronald must have ruled from 1135 to 1158.

‡ *Heimsk. Saga* xiv. c. 17. *Antiq. Celt.-Scand.*, p. 264-65.

western seas; Eystein, in a time of profound peace, inflicting upon the unoffending inhabitants of the English and Scottish coasts a repetition of the ravages of his heathen predecessors. Amongst the sufferers was Harald, who was surprised and captured off Thurso, but he regained his liberty at the price of several marks "in gold," and an acknowledgment of his dependance upon Norway;* though he was less fortunate some years later, when his cousin Erlend Haraldson arrived to claim his share in the earldom. Erlend, who appears to have succeeded to the authority of his uncle, Ottir of Thurso, had taken advantage of the absence of Rognwald to obtain from the youthful king of Scotland, Malcolm the Fourth, a confirmation of his right to the half of Caithness, and he now demanded a similar division of the islands. Harald demurred to his claims unless they were confirmed by the Court of Norway, nor would he consent to acknowledge Erlend as his colleague, even after his rights were recognized by the Norwegian kings, till the defection of Sweyne Asleifason forced from him a reluctant acquiescence in this arrangement. Not content with depriving Harald of half the earldom, Erlend carried off the Earl's mother, the still beautiful Margaret, bearing her to that singular fort of Mousa, in the Shetland Isles, of which the remains still exist to excite the curiosity of modern times; where he defended his prize with such tenacity, that he forced Harald to consent to their marriage, and this singular union of a nephew with his aunt is related in the Saga without a comment!†

* *Heimsk. Saga* xiv. c. 20. *Antiq. Celt.-Scand.*, p. 267. Marks "in gold" *i. e.* paid according to the value of gold, on account of the depreciation of the silver currency.

† *Wilson's Archæology, etc., of Scotland*, p. 429. *Torf. Orc.*, l. 1, c. 32.

After a lengthened absence in the Holy Land, Rognwald returned from Palestine to find Erlend established in his place. In this dilemma the Bonders were assembled, whose unanimous verdict pronounced Rognwald to be the lawful representative of one line of their rulers; and as it then remained for them to determine which of the other earls was entitled to the remaining share in the islands, their decision was given in favour of Erlend. Their award was probably just, but Harald could hardly be expected to acquiesce in it. Retiring to the mainland he sought the assistance of his kinsmen, and when he re-appeared in the Orkneys in the following spring, Rognwald immediately declared in favour of his early friend. But the redoubtable Sweyne Asleifason, who espoused the side of Erlend, long upheld the cause of the latter earl, by his courage and counsels, until the confederates, watching their opportunity, surprised and slew their rival whilst he was stupified by the effects of his potations.* Rognwald did not long survive their victory, falling a victim to the revenge of Thorbiorn, the former guardian of Harald, who waylaid and assassi- A. D. 1158. nated the earl whilst hunting in the dales of Caithness. His surviving colleague conveyed the body to Thurso, from whence, after a lapse of thirty years, A. D. 1188. it was removed to the cathedral church of Kirkwall, when the name of the murdered Rognwald was enrolled in the Calendar of the Saints.†

In this manner Harald found himself, at the age of five and twenty, in undisputed possession of the earldoms of Caithness and the Orkneys. In appearance, as well as in character, he must have resembled his maternal ancestor Thorfin; for, like that earl, he

* *Torf. Orc.*, l. 1, c. 33. † *Torf. Orc.*, l. 1, c. 36.

is described as "tall, strong, and hard-featured,"* and he raised his power, by his talents and military prowess, to a height unprecedented since the days of his formidable predecessor. To Sweyne Asleifason, his early friend and subsequent opponent, he appears to have been thoroughly reconciled. Sweyne was a genuine type of the chieftain of that era, a veritable representative of that numerous class which viewed, with such suspicious jealousy, the curtailment of their lawless liberty by the introduction of a novel system of government. The spring and autumn he dedicated to agriculture; a scanty crop was rudely sown and as rudely gathered in: the summer was devoted to a course of piracy; and the winter was spent in revelry. Such were still the habits of life amongst the chieftains of the north and west of Scotland; and in earlier times, as in Scandinavia and Northern Germany, the practice had been similar throughout the whole country, with the sole difference, that the dwellers upon the coasts were rovers by sea, and the inhabitants of the interior were plunderers by land.†

For nearly forty years Harald remained in the contented enjoyment of his two earldoms, acknowledging a nominal dependance upon the crowns of Scotland and Norway, but in all other respects as

* *Antiq. Celt.-Scand.* p. 261.

† *Torf. Orc.*, l. 1, c. 34 to 37. Sweyne eventually lost his life in an attempt to restore Asgal Mac Ragnal to Dublin, on which occasion his desperate courage earned the respect of his opponents, the English invaders. *A. F. M.* 1171, where he is called Eoan, or John. A comparison of the coasts of Norway and Denmark with the western coasts of Scotland will at once point out the reason of that similarity which long existed between the respective inhabitants in their manners of life. Local circumstances have far more influence in forming the character of primitive, or semi-barbarous nations, than any fancied peculiarity of race. Like the coasts of Norway and the isles of Scotland, the eastern shores of the Adriatic and the Archipelago seem to have been formed by nature for the haunts of pirates.

untrammelled as the most independent of his maternal ancestors. He was married to a sister of Duncan, Earl of Fife, and this connection with one of the firmest partizans of the reigning family may have kept him steady in his allegiance. At length, at the mature age of sixty and upwards, he transferred his affections to a daughter of Mac Heth, and he married the object of his elderly love after divorcing his former wife by one of those summary processes which lingered latest, with other barbarisms, in the extreme north. The union was inauspicious, as might have been expected; a daughter of Mac Heth could not fail to remind her husband of her hereditary claims upon Moray, and, yielding too readily to the suggestions of ambition, ere long Harald seized upon the province.*

It was the intelligence of these proceedings on the part of the earl that now brought William in haste from the south; for he had already suffered too much from such a cause to think lightly of a rebellion in the northern Highlands. Meeting Harald's son, Thorfin, in the neighbourhood of Inverness, he defeated him with ease, killing Roderic, a partizan, apparently, of the family of Mac Heth;† whilst Harald retreated as the king advanced, until at length, despairing of success, he fled to his ships in the hope of escaping to the Orkneys. But the earl was doomed to misfortune; an adverse gale detained him in port, and he was compelled to A.D. 1196.

* *Hoveden* 1196, p. 436. *Fordun*, l. 8, c. 59. According to Torfæus (*Orc.*, l. i., c. 38), Harald's first wife, Afreca, was dead before his second marriage with "the Earl of Moray's daughter," by whom he had his sons, Thorfin, David, and John.

† *Chron. Mel.* 1197. *Fordun*, l. 8, c. 59. This battle must have occurred in 1196, for as Thorfin was given up as a hostage for his father at the close of that year, he could not have fought against the royal forces in the following year.

become a reluctant eyewitness of the destruction of his castle at Thurso, and of the unwonted spectacle of a royal army ravaging the extremity of Caithness. Submission was now the only course left open, and he was fain to purchase the withdrawal of the hostile army by promising to surrender the enemies of the king, to place his son Thorfin as a hostage in the hands of William for his own fidelity, and to resign half the earldom of Caithness to Harald Ericson.*

Satisfied with the earl's concessions, the king withdrew from his territories; again proceeding northwards as far as Nairn in the course of the same autumn, to await the fulfilment of the treaty. On his return from hunting late one evening, he found Earl Harald in attendance with two children, his nephews, whom he offered in the place of his own son as hostages for his fidelity and allegiance. Surprised at this evasion of their agreement, the king demanded the reason of it, remarking upon the absence of Thorfin, whom Harald had promised as a hostage. The earl's reply was remarkable, though it could scarcely be considered satisfactory. Thorfin, he said, was his only son, and he was reluctant to part with the sole heir of his earldom; and as for the enemies of the king whom he had promised to deliver into his hands, they had actually accompanied him as far as the port of Lochloy, within a few miles of Nairn, when he had suffered them to escape, reflecting that their doom was certain if once surrendered to the king.† As it is impossible that the earl could have imagined for

* *Hoveden* 1196, p. 436.

† "Quod si tradidissem eos vobis non evaderent manus vestras," means, I suppose, a discreet insinuation that the king intended to consign "his enemies" either to immediate execution or to a hopeless captivity. When he said that Thorfin was his only heir, either the earl was deceiving the king, or his sons, John, David, and Henry, were by the second marriage. The port of Lochloy was a spot not far from Nairn, now covered by the sea.

one moment that William would permit so palpable an evasion of their treaty, it can only be supposed that, repenting of his promise as he approached Nairn, he preferred braving the royal anger by conniving at the escape of his prisoners, to surrendering friends, and probably connections, of his own, or of his wife, to the certain doom of death; or the even worse alternative of perpetual imprisonment, with probable mutilation or loss of sight. William and his barons in council—the peers of the earl, before whom he was immediately arraigned—at once pronounced him guilty of a breach of fealty, declaring that he had thereby forfeited his liberty; and he was carried in the train of William to the south, and retained in custody until, upon the arrival of his son Thorfin, he was released from captivity, and permitted to return to the Orkneys.*

But the earl had not yet reached the conclusion of his troubles; for Harald Ericson, after receiving a grant of half the earldom of Caithness from the king of Scotland, sailed to Norway, and obtained a recognition of his right, from King Suerer, to a similar partition of the Orkneys. This Harald, generally known as the younger earl, was a son of Ingigerda, the only child of Rognwald; but the elder Harald, unmindful of his early friend, seems to have ignored the claims of his heir to a partition of the earldom. A band of followers, however, was easily collected in Norway, and so little was the elder earl prepared for an attack, that, upon the arrival of his competitor in the Orkneys, he fled precipitately to Man. He was shortly followed by Harald Ericson; but again eluding pursuit, he returned suddenly to the Orkneys, visiting with summary vengeance all who had de- A. D. 1197.

* *Hoveden* 1196, p. 436.

clared for the younger Harald. He had lost no time in the interval in gathering his own partizans, and, upon the return of his opponent from the Western Isles, he no longer shrunk from a contest for which he was now fully prepared.

The rival earls met near Wick, in Caithness; victory declared for the elder Harald, and the last descendant of Erlend Thorfinson perished upon the field of his defeat. Availing himself of the protection of the bishops of Ross and of St. Andrews, the conqueror sought the Scottish Court, and hastened to offer a large sum for the restitution of that portion of Caithness which had been conferred upon his deceased competitor. The king promised his consent if the earl would comply with his conditions, and agree to take back his former wife, and surrender Bonaver, the son of Ingemund, together with his chaplain, Lawrence, as additional hostages for his allegiance. Which of these conditions was distasteful to the earl the chronicler has failed to specify; but, in the opinion of Harald, half the earldom of Caithness would have been too dearly purchased at such a price; and upon the refusal of the proposed terms, William, without further parley, sold the fief to Ronald, king of Man.*

According to the usual custom of the age, Ronald

* *Hoveden* 1196, p. 346. He calls the king of Man, Reginald, son of *Somarled.* Reginald, the son of *Godfrey*, was at that time king of Man; and the son of Somarled was hardly more than a *subordinate* king of the Sudreys, as he had been defeated in a contest for superiority by his brother Angus in 1192 (*Chron. Man*). An account of some of these transactions is also contained in the Flatey Book (*Col. de Reb. Alb.*, p. 351-54), but it is confused. For instance, after beginning with the death of Harald the younger, the book makes the elder Harald yield Caithness to *Harald the younger* after the expedition of William to Eystein's Dal. The account of this expedition must therefore have been misplaced; and it probably ought to be referred to the time of William's *first invasion* of Caithness. Some idea may be formed of the formidable power of these northern magnates from the fact that Harald collected 6000 men to oppose William; whose army when he invaded England in 1174, only appears to have numbered 8000.

placed his *Maors*, or deputies, over his newly acquired earldom, whilst Harald, retreating to the Orkneys, busied himself in preparations for the forcible recovery of his possessions; and suddenly reappearing in Caithness with an overpowering force, he drove out all who opposed him, treating the bishop of the diocese with savage cruelty for a supposed predilection to the cause of his rival.* Although Christmas was approaching, William lost no time in hastening to the scene of action, first retaliating the barbarities of the earl upon his unfortunate hostage Thorfin; but by the time the king reached Caithness, Harald had escaped to the Orkneys, returning immediately upon the departure of the royal army. William again marched to the north in the following spring, and again the earl sought refuge amongst his islands; but as such a fruitless contest was harassing to both parties, without being beneficial to either, it was at length terminated by Harald, who, placing himself A. D. 1202. under the safe conduct of the Bishop of St. Andrews, tendered his submission to the king at Perth, and was permitted, for a sum of 2000 pounds of silver, to enjoy his earldom in peace during the brief remainder of his life.†

The six years over which these disturbances in the extreme north of Scotland extended had not A. D. 1198. been destitute of other events of importance, for, on

* "His tongue was cut out, and a knife stuck into his eyes. The bishop invoked the Virgin Saint Trodlheima during his torments. Then he went up a hill, and a woman brought him to the place where St. Trodlheima rests. There the bishop got recovery both of his speech and sight"—*Flatey Book*. Ignorant of the merits of the Virgin Saint, Fordun only says, "Usus linguæ et alterius oculorum *in aliquo* sibi remansit." A certain Dr. John Stackbolle profited by a similar miracle in Ireland, he having recovered his sight and speech before the altar of our Lady of Novan, after his tongue had been cut out, and his eyes torn out, by order of Sir Thomas Bathe. (*Statute of Kilkenny*, p. 25, note U; in *Tracts relating to Ireland, I.A.S.*, vol. 2.)

† *Fordun*, l. 8, c. 59-62. *Flatey Book, Col. de Reb. Alb.*, p. 351-54.

the 24th of August 1198, the question of the succession to the Scottish throne had been finally set at rest by the birth of a prince, to whom the name of Alex-
A. D. 1201. ander was given. Three years afterwards, according to the usual custom of the age, William summoned the barons of his realm to swear fealty to his infant heir at Musselburgh; the Earl of Huntingdon imitating the example of the Scottish nobles, and performing
A. D. 1205. homage to his youthful nephew about four years later.* By the death of Richard, in the year follow-
A. D. 1199. ing the birth of Alexander, the relations between the English and Scottish kings had once more become unsettled. Doubt and mistrust overshadowed England, bishops and barons strengthening their castles, and preparing for the contest anticipated between the uncle and his nephew; whilst numbers of the continental vassals of the English crown openly declared for Arthur. Following the course invariably adopted upon such occasions by all aspirants to the crown, John possessed himself of the late king's treasures at Chinon, and this important point secured, he dispatched the Archbishop of Canterbury across the Channel, with William the Mareschal, and Geoffry Fitz Peter, the Justiciary of England, empowering them to pledge his royal word to all whose allegiance appeared doubtful, that full justice should be rendered on the arrival of the king to every faithful adherent of his cause. William, as might have been expected, had seized upon the opportunity afforded by John's uncertain position to revive his claims upon the northern counties; but the royal deputies, after the council held at Northampton, forbade the Scottish envoys, who had arrived there, to cross to Normandy, prevailing upon the Earl of Huntingdon, one of the

* *Chron. Mel.* 1198, 1201, 1205.

principal of the dubious adherents who had been gained over at the recent meeting, to notify to his royal brother that he should await the arrival of the king. A similar request was conveyed directly from John by Eustace de Vesci, who bore a promise to his wife's father—for Eustace had married Margaret, one of William's natural daughters—that complete satisfaction should be afforded him in all that he sought, if he would only refrain from immediate hostilities.*

Soon after his coronation upon Ascension day, John gave audience to William de Hay, and the priors of May and Inchcolm, who, in the name of the Scottish king, demanded a full restitution of his "patrimony"—the northern counties; promising liege and faithful service if he gained his suit, but threatening, in case of refusal, to win his rights by the sword. The reply of John was characteristically evasive;—"If your king, my very dear cousin, will come in person, I will do him right in this and in all that he demands." The bishop of St. Andrews, with Hugo Malebise, were made the bearers of this message to William, whilst, that no point of courtesy or ceremonial might be omitted, the bishop of Durham was directed to proceed at once to the frontiers and escort the Scottish king to the place of meeting.

John reached the appointed rendezvous at Nottingham upon Whitsunday, but the king of Scotland declined to come, only sending word by Malebise and the bishop that, if his demands were not immediately granted, he would resent the refusal by a declaration of war. John stipulated for a further truce of forty days, promising a final answer at the end of that time; but after collecting a powerful

* *Hoveden* 1199, p. 450-51.

army, and placing the counties in question under the charge of William d'Estoteville, he hastened to embark for Normandy within a fortnight, leaving the Scottish envoys, who had hurried after him to the coast, to convey what answer they pleased to their king.*

At length perceiving that the promises of John had been merely subterfuges for gaining time, William prepared to put his threats into execution; but the proper season for action had already passed away, and the English barons, not yet disgusted by the falsehood and tyranny of John, had for the present declared in his favour. A natural feeling of anxiety oppressed the mind of William as he recalled the events of his early manhood, and remembered the consequences of his former war with England. His kingdom was still unsettled, his health was beginning to fail, whilst his heir was still a mere child, and Scotland had hardly yet recovered from the disastrous state of anarchy into which she had been plunged by the capture of her king at Alnwick. Impressed with gloomy forebodings, the king determined upon passing the night by the shrine of his sainted ancestress at Dunfermline; where his reluctance to engage in hostilities assuming the form of a warning dream, he dismissed his army on the following morning, assuring them that he had been forbidden by a heavenly vision to attempt the invasion of England.†

A.D. 1200. William had given up all present thoughts of open war, but he refused to listen to any overtures from John, declining to meet the English king at York in the following Lent, whilst he cultivated an alliance with Philip of France, and a marriage was negotiated between the young prince of Scotland and an infant

* *Hoveden* 1199, p. 451. † *Hoveden* 1199, p. 453.

French princess, the daughter of Agnes de Meranie.* The rumour of this alliance seriously alarmed John, and after the second of his numerous coronations, he dispatched a distinguished embassy with letters of safe conduct to the borders, to propose an interview with the king of Scotland, and to escort him for this purpose to Lincoln. With the Bishop of Durham and the Sheriff of Northumberland were associated the Earl of Hereford and the Lords de Vesci and de Ros, the nephew and sons-in-law of William, who, with the Earls of Huntingdon and Norfolk, and a brilliant retinue of other barons, awaited the arrival of the Scottish king on the frontiers, and conducted him, with every mark of respect, to the place of meeting. Here, upon a neighbouring hill, which was at that time without the city of Lincoln, William performed homage to John "for his right saving his own right;" 22d Nov. swearing fealty upon the cross of the Archbishop of Canterbury—a breach of the usual custom, explained by one of the chroniclers as arising "because there was no sacred book at hand." The question about the northern counties was again brought forward for discussion, but with no satisfactory result, although a final decision was again promised at the end of another six months; and the king of Scotland, who

* *Hoveden* 1200, p. 454, 461. From the distinguished deputation which John dispatched to William when the king of Scotland came to Lincoln, it is not improbable that one of the reasons why William had hitherto refused to meet John was a reluctance on the part of the latter to carry out Richard's Charter of Privileges. In the Introduction to *Robertson's Index*, p. xii., No. 3, is the following entry:—"Charta Johannis Regis Angliæ, missa Willielmo Regi Scotiæ de tractatu maritagii inter Regem Franciæ et filiam Willielmi Regis Scotiæ." There is some mistake here (probably an error of a copyist), for Philip Augustus was never in a condition during the reign of John to marry one of William's daughters. But if the *tractatus maritagii* alludes to the proposed betrothal of Alexander to a French princess, the charter may have been a confirmation by John of Richard's Charter of Privileges, dispatched in haste with the deputation to bring about a reconciliation with William, and to break off the proposed alliance with France.

had in reality gained nothing beyond his ordinary feudal advantages by his journey, was obliged to rest contented with the empty honour of returning to his own kingdom under the same distinguished escort that had accompanied him to Lincoln.*

The interview between the kings had not been of a nature to promote any real feeling of cordiality; for William had again proved from experience that the promises of John were merely empty words, whilst he had permitted his crafty rival to discover how little real importance he need attach to the threats of a Scottish war. No more dangerous knowledge could have been acquired by a prince of such a character as John, who, in his subsequent transactions with the Scottish king, turned this backwardness to his own account, evidently presuming upon the reluctance of William to venture upon the chances of a war.

A rupture, however, had almost occurred through the contemplated erection of a castle at the mouth of the Tweed, for the purpose of commanding the Scottish burgh of Berwick, with its important fortress; thus endangering the prosperity of the fore-

* *Hoveden* 1200, p. 461. William swore upon the archbishop's cross, because there was no "sacred book" at hand, says the Bridlington Chronicle in *Documents, etc., relating to Hist. Scot.*, No. xxi., sec. 35, p. 66. The decision of the question about the counties was again put off till the following Michaelmas, and it is difficult to say whether it was ever again raised during the reign of William, as after the conclusion of Hoveden's work, no other chronicler alludes to the subject. Wendover succeeds to Hoveden, whose loss is great for the historian of Scotland; as the manner in which Wendover supplies his place can be appreciated from the description of the meeting at Lincoln, in which the latter, after copying the account of his predecessor, characteristically omits the reservation, "Salvo jure suo!" The want of a *northern* chronicler is very much felt, as it will be generally found that the monastic writers are most accurate in their narration of events that occurred in their own neighbourhood. From exalting Brompton, who wrote at the close of the fourteenth century, to the position of a contemporary writer, and from some other similar oversights, Dr. Lingard's version of these transactions is singularly inaccurate. *Vide Appendix L*, pt. 2.

most commercial town in Scotland, and neutralizing the cession of one of the keys of the Lothians, restored by the charter of Cœur de Lion. It was impossible for William to overlook so dangerous an encroachment, and whenever the English attempted to begin the building, the Scots drove them away by force, levelling their work with the ground; proceedings which were more than once repeated, until, upon his return from the disastrous campaign of 1203, John hastened to the north of England, where A.D. 1204. he was met upon the frontiers at Norham by William, who was hardly recovered from one of those dangerous attacks of illness to which his advancing years appear to have rendered him liable. The conference was stormy, and the kings parted in anger; but John was either too much occupied with the French war to add another to the list of his open enemies, or he treated the whole affair with his usual fickle levity, and in spite of the hostile character of their interview, their kingdoms remained in a state of nominal peace.*

However averse he might have been to risk the chances of hostilities, William was evidently a very cool friend to England during the next five years, eagerly testifying his devotion to the papal see when the interdict was levelled against John, and receiving in return from Pope Innocent a bull, or rescript, fully

* *Fordun*, l. 8, c. 64. He places these occurrences in 1203; but as he describes the capture of Falaise and other places at the same time—and they were taken in 1204—and as John only reached England on 6th December 1203, I have placed them under 1204. William was frequently in England after this meeting at Norham. £10 were paid for his expenses in 1206; £15 when he was at York on 20th June, and £30 when he was at the same place on 16th August 1207. In July 1205 John wrote to William, thanking him for the favourable answer which he had received on the subject of their negotiations, and alluding to the lands of Tynedale, of which William was seized, and of which no mention had been made in their convention. *Rot. Claus.*, p. 43 b., 86, 90 b. These lands in Tynedale appear to have been held by simple homage. *Vide Doc. etc. Illust. Hist. Scot. Introd.*, p. vii.

confirming every liberty and immunity that had at any time been conferred upon the king, church, or kingdom of Scotland, by the head of the Roman Church.* He appears, also, to have set on foot a negotiation for procuring a foreign alliance for one
A. D. 1209. of his children;† but the fears of John were by this time aroused, and he marched with an immense army to the north, in the determination of calling William to account for destroying his castle at Tweedmouth, for aiming at an alliance with his open enemies, and for negotiating the intended marriage without consulting the suzerain of whom he held his English fiefs. To guard against the chances of invasion, William occupied a strong position in the neighbourhood of Roxburgh, where he gave audience to the envoys of John, who, upon reaching Norham, dispatched a safe conduct to the Scottish king, with a requisition to meet him at Newcastle; but three days after his arrival at the place of meeting, and before their conference had resulted in any satis-

* *Fordun*, l. 8, c. 66-67.

† *Trivet* 1209, and the Bridlington Chronicle (in *Documents, etc., relating to Hist. Scot.*, No. xxi., sec. 26, p. 66) state that William was going to marry one of his daughters to the Count of Boulogne. *Hemingburgh*, vol. 1, p. 242, affirms that the princess was to have been united to the Count of Flanders. Ida, who brought the earldom of Boulogne to her husband, Reginald de Dammartin, and whose heiress, Mahout, was married to Prince Philip of France, was married about 1191, and survived till 1216. There was no Count of Flanders in 1209. Baldwin of Hainault, who ascended the imperial throne of Constantinople in 1204, and was slain in the following year, left by Margaret his wife, who brought him the earldom of Flanders, two daughters, who became the wards of Philip Augustus. By that king the eldest, Jane, was given to Ferrand of Portugal in 1211, who in her right became Count of Flanders and Hainault. It is very clear, then, that William could not have been negotiating a marriage for one of his daughters with either a Count of Boulogne, or of Flanders, at that period; and if any negotiation on such a subject had been set on foot, it must have been respecting an alliance between the prince of Scotland and the heiress of Flanders and Hainault. Such a project would have suited well with the endeavours of Philip to enlist allies against John, and it would undoubtedly have brought the latter king in all haste to the northern frontier.

factory conclusion, it was unexpectedly interrupted by the sudden illness of the Scottish king, and all further proceedings were broken off after a temporary truce had been arranged.*

The return of health revived the reluctance of William to yield to the demands of John, and, after ascertaining the sentiments of his baronage and clergy in a council held at Stirling, he dispatched the bishops of St. Andrews and Glasgow, with William Comyn and Philip de Valoniis, the Justiciary and Chamberlain of Scotland, charged with so decided an answer to the English king, that John's fury was aroused to the utmost pitch, and he issued immediate orders for the assemblage of his army, and the reconstruction of the castle at Tweedmouth. William, upon learning the result of his embassy, hurried from Forfar towards the Lothians, deputing the bishop of St. Andrews to convey a qualified refusal to the incensed John. Arrived at Edinburgh, the king was met by Sayer de Quinci, Earl of Winchester, and Robert de Ros, who had already reached the future Scottish capital, and dwelt upon the wrath of their royal master, and the magnitude of the army with which he was hurrying, by forced marches, to the north.†

Without awaiting the return of the bishop of St. Andrews, William dispatched a third embassy to

* *Chron. Mel.* 1209. *Fordun*, l. 8, c. 69. Some of the sentences in the Melrose Chronicle would almost appear to have been transposed. Their general sense seems to be that "John marched to Norham and summoned William to meet him at Newcastle. Thither went William, and both in going and returning, defrayed his own expenses at Alnwick, etc."—the latter observation referring to an infringement of the Charter of Privileges, a sure sign of a want of cordiality between the kings, which was not restored until William recovered the "*Benevolentia* domini nostri."

† Fifteen hundred English knights and their retainers, 7000 crossbowmen and *Branchii* (?), 13,000 Welshmen, and an overwhelming force of all arms.

avert, if possible, the impending war; and when the bishop reached his royal master at Traquair with intelligence that the English army was fast approaching the borders, the reverend envoy was commissioned, for the third time, to return in the utmost haste to John, and to use every effort to delay his advance until the Scottish army could be concentrated upon the frontiers.*

By the time John reached Bamborough, towards the close of July, his formidable preparations for hostilities had fully attained the end upon which he had probably calculated, by working upon the fears of his opponent. A brave and warlike army was ranged along either frontier, prompt and ready for a contest, but advancing years and increasing infirmities had bowed the once fierce and haughty spirit of the Scottish king, who was now as averse to risk the chances of war as, in early manhood, he had been eager in courting its dangers. Under such circumstances the result could not long remain in doubt, and William, yielding his consent to the conditions imposed by John, covenanted to pay 15,000 marks for his "good will" (in other words for peace, and for the confirmation of his fiefs and privileges, which appear to have been in danger of forfeiture), and for the performance of certain conditions specified in their mutual charters. Hostages were to be given by the Scottish king for the payment of the stated sum within two years.† Two of his daughters, Mar-

* *Fordun*, l. 8, c. 70.

† These hostages were the sons of the Earl of Winchester, of William de Vetere Ponto, of William de Vallibus, of Philip de Mowbray, of Gervase Avenel, of David Lindsay, of Gilbert Earl of Strathearn, of Lawrence Abernethy, of Thomas of Galloway, of Earl Patrick of Dunbar, and of William Comyn, with the brothers of Robert de Bruce, and of Walter Clifford, and a daughter of Alan of Galloway, who died in England.—*Rot. Claus.*, p. 137 b. They were given "et pro hac pecunia et ad prædictos terminos reddendâ, et pro eisdem terminis fideliter

garet and Isabella—the third was probably under age—were to be delivered into the charge of John, and to be suitably married according to the tenure of their secret arrangement; whilst, in return, one of the articles of the treaty provided against the erection of a castle at Tweedmouth at any future period. The final settlement of the treaty took place at Northampton, and, within ten days from its completion, the Scottish princesses were placed in the hands of the English Justiciary at Carlisle.*

tenendis." An attempt is sometimes made to include the princesses amongst the hostages. This is contradicted, both by the words of William, "exceptis duabus filiabus nostris quas ei liberavimus," and by the omission of their names in the Close Rolls. These hostages were given as "security" for the money—warranters—and returned of course when the debt was acquitted. The princesses were given up to be married, and remained in England long after the death of John.

* *Chron. Mel.* 1209. *Fordun*, l. 8, c. 71. *Fœdera*, vol. 1, pt. 1, p. 103. *Robertson's Index Introd.*, p. xx. *Neg. tang. Ang.* No. 3. Such is the account of these transactions preserved in the Scottish authorities, and the correctness of their dates is confirmed by the Fœdera and the Patent Rolls. Wendover is decidedly wrong in referring the whole transaction to one meeting only, and in placing the treaty, etc., before 28th June. The Bridlington Chronicle states that John built a castle at Berwick (*i. e.*, Tweedmouth) in June, and that the kings came to terms in August (*Documents, etc.*, xxi., sec. 26-27), Hemingburgh asserts that John at first demanded Alexander as a hostage for his father, the "plura et inaudita" perhaps of Fordun. In spite of the attempt of Fordun to represent the peace as the result of the interference of the principal men of both countries, it was evidently brought about through William's aversion to war. The message that excited the wrath of John was dictated in *the Council of Stirling;* the envoys to deprecate his indignation were dispatched by William; and the Melrose chronicler concludes his account with the significant sentence, "It was done against the wishes of the Scots." The extreme secrecy about the tenor of these "mutual charters" is worthy of remark. The Scots always maintained that one of the princesses was to have married the heir of the English crown, and Alexander II. afterwards obtained a grant of lands in satisfaction for his claims upon the northern counties, and for the alleged infringement of the terms of this arrangement (*Fœd.*, vol. 1, pt. 1, p. 233). In the Patent Rolls (An. 21, Hen. III.) there is the following remark on this latter treaty, "Inter cœtera apparet quod concordia fuit quod Rex Angliæ duceret Marger' sororem dicti Regis Scotiæ, quod modo relaxatum fuit ac al'." All this tells for the Scottish account. On the other hand, when Hubert de Burgh was charged with preventing this marriage —in consideration of which William had agreed to waive his claims on the northern counties—the Earl of Kent replied that he knew of no such agreement, and appealed to the letters of Pandulf and others to prove that his

From the date of this arrangement a close alliance existed between the kings, and still further to cement
A.D. 1210. their union, the prince of Scotland proceeded in the following year as far as Alnwick, where, upon the 10th of May, he performed homage to John as liegeman for all the fiefs held by his father of the English crown; and it was probably upon this occasion that the English king, after receiving the half of the sum of 15,000 marks, in token of amity remitted the payment of the remainder.*

William, however, in his anxiety to avoid an encounter with John, appears to have deeply offended many of his own powerful subjects, to several of whom the English connection had all along been distasteful. All the advantages of the English fiefs belonged

own marriage with the princess Margaret was brought about with the full knowledge and consent of the English magnates (*Mat. Par. Addit.* p. 99); and the *Rot. Pat. ad an.* 4 *Hen. III.*, mention an arrangement at York before Pandulf, in which it was agreed that the sisters of Alexander should be married "infra Regnum Angliæ ad honorem suum." Hubert's statement, however, only had reference to a guarded defence of his own conduct, and throws no light upon the events of John's reign. It is very probable that John retained the princesses at his court for the purpose of marrying them to his own sons if anything happened to the *sole male heir* of Scotland; and that may have been the reason why they remained unmarried until after his death. It is not to be supposed that Hubert de Burgh overlooked the proximity of Margaret to the Scottish throne when he married her, and it must be acknowledged that his interpretation of the secret treaties, if he was really aware of their existence, was very much to his own advantage. The wording of the letter of William in the *Fœdera* contradicts the supposition that the payment of 15,000 marks "pro benevolentia domini nostri habendâ, *et pro conventionibus tenendis*," etc., was a simple *fine* imposed by John on the Scottish king.

* *Robertson's Index Introd.* xx. *Negot. tang. Ang.*, Nos. 7, 36, 40. *Fordun*, l. 8, c. 72. One of the Melrose charters (No. 168) proves the date of this homage of Alexander, and a fragment in the *Documents*, No. xl., sec. 19, p. 136, states that the homage was performed "pro omnibus *rectitudinibus* pro quibus pater suus fecerat homagium Henrico Regi patri ejusdem Johannis." Libertates et *rectitudines*—privileges and rights—are the words in Richard's Charter of Privileges to William. As half the money—one year's payment—was remitted, and the whole sum was to have been paid off in two years, it is allowable to infer that one year after the treaty, *i. e.*, in 1210, John must have waived his claim to the payment of the remainder.

solely to the royal family; and as it was of little or no importance to many of the Scots that the brother of their king should enjoy the earldom of Huntingdon, or that their sovereign should be received with certain ceremonies whenever he absented himself from his own dominions to attend the English Court, they looked with jealousy and discontent at the concessions extorted from William, through his double anxiety to prevent hostilities, and to avoid the forfeiture of his English fiefs and privileges. The treaty concluded at Northampton had been in direct contradiction to the wishes of the nation, and ere long William discovered that, in his solicitude to avert the evils of a foreign war, he had re-kindled the embers of civil discord at home.

The discontent must have been widely disseminated which first threatened to explode in the south. Thomas de Colvill, a powerful baron in constant attendance at the court of Scotland, was accused of conspiring against his liege lord, and detained in Edinburgh Castle until he was permitted to redeem his treason by the payment of a fine, and was subsequently dispatched, in a species of honourable captivity, as a hostage to the king of England.* The storm which had thus threatened the southern, or feudalized, division of the kingdom was shortly destined to burst in all its fury upon the distant north and west, where a Mac William still existed in the person of Godfrey, one of the sons of Donald Bane. Ireland, as usual, had been his home when he was not amongst the western isles of Scotland, where he had never ceased to assert the claims of his family; and either Godfrey, or some of his partizans, had probably been amongst those "enemies of the

* *Chron. Mel.* 1210. *Fœd.*, vol. 1, pt. 1, p. 120.

king" whom the Earl of Caithness had suffered to escape at Lochloy. No time could have been more favourable for the revival of his pretensions than a period of general discontent, and his partizans in Ross, with all the disaffected clans of the neighbouring provinces, invited him to cross from Ireland, with promises of their warmest support.*

But in the course of the same autumn, and before the arrival of Godfrey, the lives of William and his family were threatened by an unexpected danger from a totally different quarter. The king, with his brother and the prince of Scotland, was staying with the court at Perth, when a sudden inundation, occasioned by a spring tide meeting the swollen waters of the Tay, menaced the town and its inhabitants with destruction. The old hill-fort at the junction of the Almond with the Tay was swept away in the deluge, carrying along with it many houses, and destroying the bridge and an old chapel, whilst the royal party were at one time in imminent danger, escaping with difficulty the fury of the flood.†

A. D. 1211. It was winter when Mac William arrived in Ross, and six months elapsed before an army could be dispatched to operate with effect against him, the king following by easy marches, as well as his debilitated condition would allow. Each party pursuing their usual tactics, the campaign was opened on the royal side by the construction of two forts, or rather, perhaps, by the repair of the buildings, which had been raised in the previous war to command the most important points in the district;‡ whilst Godfrey,

* *Chron. Mel.* 1211. *Fordun*, l. 8, c. 76. The *Thanes of Ross* invited him over, says Fordun.

† *Fordun*, l. 8, c. 72. The "Mons in ea diruens" of Fordun was evidently the old Rath-inver-Amon. Boece drowns a youthful prince John and his nurse—very apocryphal characters—and rebuilds Perth upon its present site.

‡ These *castella* appear to have been

carefully avoiding a battle, endeavoured to harass the royal army by continued surprises and night attacks. Steadily pursuing the course which he had proposed to follow in his campaign against Donald Bane, the king placed 4000 men under the command of the Earls of Atholl and Buchan, with Malcolm of Mar and Thomas the Durward, ordering them to penetrate the recesses of the mountains in every direction, and force Mac William to an encounter. Godfrey's place of strength was upon an island, where he had collected his treasure and supplies; and here he was at length discovered and brought to bay by the royal leaders. The struggle was most obstinate, for the rebels were animated by despair; victory, however, declared for the royal arms, Godfrey with a few of his companions escaping, though with difficulty, amongst the clefts and thickets of the neighbouring mountains.*

Satisfied with his success, William returned with the main body of his army to the south, leaving Earl Malcolm of Fife in charge of Moray. His departure was the signal for the reappearance of Godfrey, who suddenly presented himself in force before one of the royal castles, and commenced preparations for a siege. Alarmed at the prospect of an attack, and the probable consequences of its success, the garrison offered to capitulate on condition that their lives were spared; and as Godfrey willingly agreed to their terms, they were permitted to depart in safety, and the fort was burnt to the ground.†

The tidings of Godfrey's proceedings reached A. D. 1212.
William in the winter, when any hope of taking the field amongst the northern mountains with the least

built of wood, as one was burnt in the following year.

* *Fordun*, l. 8, c. 76.

† *Fordun*, l. 8, c. 76.

probability of success was frustrated by the unusual severity of the season; and as he had calculated upon his forts securing the advantages gained in the preceding campaign, he was incensed and embarrassed at this unexpected loss. A renewal of such a doubtful contest as the struggle in which he had been engaged with his cousin, the elder Mac William, was an anxious prospect at his time of life, and he naturally felt inclined to draw yet closer the ties connecting him with his English ally.* Ere the winter passed

* *Fordun*, l. 8, c. 76. *Walter of Coventry*, *ad an.* 1212. The words of this writer are, "Scotorum Rex Willelmus jam ætatis provectæ, cum interioris regni sui partes seditione turbatas pacificare non posset, ad Anglorum Regem confugiens, se et regnum filiumque quem unicum habibat, ejus commisit provisioni. At ille, cingulo militari commendatum sibi adolescentem donans, in partes illas cum exercitu proficiscens, dimissis per interiora regni suis Guthredum cognomento Mac William, seditionis ducem, cepit et patibulo suspendit. Erat hic de Scotorum Regum antiquâ prosapiâ, qui Scotorum et Hibernensium fretus auxilio, longas contra modernos Reges, sicut et pater suus Duvenaldus, nunc clàm nunc palàm exercuit inimicitias. Moderniores enim Scotorum Reges magis se Francos fatentur, sicut genere, ita moribus, linguâ, cultu; Scotisque ad extremam servitutem redactis, solos Francos in familiaritatem et obsequium adhibent." This account, as is so often the case, contains a mixture of truth and error. The flight of William to John, and John's campaign in the Highlands of Scotland during the summer of 1212 (for Godfrey was given up at that time), are apocryphal, for he was at that time engaged in his expedition against the Welsh, from which he returned so suddenly, through fear of treachery. He may have assisted William—perhaps with some of his foreign Reiters—though he was hardly in a condition at that time to yield much assistance to any one. The distinction between the "ancient and modern kings" of Scotland is also imaginary, for William and his rivals were cousins, equally claiming to represent the race of Malcolm Ceanmore; though the assertion that their kings were "Normans, not Scots," is exactly what the disaffected subjects of the reigning family would have urged against them. Even the last sentence is only partially true, for out of the leaders employed in this very war, the Earls of Fife and Atholl, and Malcolm, son of Morgund of Mar, were of native Scottish origin; the Earl of Buchan owed his earldom to his wife, the heiress of a native earl; and Thomas the Durward was also apparently of a Scottish rather than of a foreign family. In fact, the feudalized upper classes of *Scotia* and the lowlands of Moray, were at this time looked upon as "Normans;" the mountaineers who clung to "ancient custom," as the real Scots; their position being reversed a few generations later, when the former claimed to be "Scots," regarding the latter as "Erse" or Irish. There is much truth, however, in this passage, though it must be taken *cum grano*.

away the two kings met once more, and for the last time, at Durham; their conference was adjourned from that place to Norham, where the queen of Scotland is said to have exerted her influence with both parties to obtain the treaty of mutual alliance, which was concluded upon this occasion. Both kings 7th Feb.
are said to have agreed, that, in case of the death of either, the survivor should be bound to protect and support the youthful heir in securing the rights of his crown; William conceding to John the privilege of marrying his son Alexander, now in his fourteenth year, according to his own pleasure during the next six years, so that the alliance was suitable to the dignity of the Scottish crown; at the same time confirming his own, and his son's, liege homage to the English prince Henry, saving their fealty to John. The Scottish prince then accompanied the king of England, upon his return, to the south, and received the honor of knighthood at St. Brides in Clerkenwell, where John held high festival in Mid-Lent.* 4th Mar.

With his mind set at rest upon the subject of the English alliance, William prepared to bend all his remaining energies to the suppression of the dangerous rebellion in the north. About the middle of June a considerable force was dispatched to the scene of action, the prince of Scotland accompanying

* *Fordun*, l. 8, c. 77. *Chron. Mel.* 1212. *Wendover* 1212 (vol. 3, p. 238). *Fœdera*, vol. 1, pt. 1, p. 104. "Ubi voluerit ad fidem ipsius domini Regis, ita quod non disparagetur," are the words. The result of this treaty relieved John from any fears lest Alexander should contract any alliance with his enemies. The "liege homage" rendered by William and his son to the prince Henry, was upon the same principle as he and his brother David, and, at an earlier period, Malcolm had performed homage to the eldest son of Henry the Second. Had this homage been rendered—as some seem to suppose—for the kingdom of Scotland, it is almost needless to observe that such a stipulation would have been carefully entered in the treaty, and the Scottish barons would have been summoned to attend the councils of the English king—as in the latter part of Henry's reign—and to aid him in his wars.

the army to prove himself worthy of his golden spurs; and the reserve was to have followed by easy marches, under the immediate orders of the king, when its departure was arrested by the welcome intelligence of the capture of the head of the rebellion. The Earl of Fife, during a temporary absence from his command, left the province under the charge of the Justiciary, William Comyn, Earl of Buchan, into whose hands the adherents of Mac William, terror-stricken apparently at the magnitude of the royal preparations, had just surrendered their leader. The earl had already reached Kincardine with his prisoner, whom he was in haste to present to William before death robbed him of his prize—for Godfrey had resolutely refused all nourishment since his capture—when he was met by a significant message from the king, that he had no desire to see his enemy; and the unfortunate Mac William was at once beheaded, and hung up by the feet, lest starvation should anticipate his doom.*

A. D. 1213. The ensuing winter once more found John upon the Scottish frontier. Whilst on the march in the preceding summer to repress the revolt of Llewellyn, he had received letters from William, as well as from his own natural daughter Joanna, the wife of the Welsh prince, warning him against the intentions of his own barons, if he involved himself in the intricacies of a mountain warfare in Wales.† The coincidence of the arrival of similar warnings from quarters so far apart, aroused his fears lest the

* *Fordun*, l. 8, c. 76.

† If the story told by Hemingburgh is true (*ad an.* 1215, vol. 1, p. 247)—that John's anger against Eustace de Vesci was occasioned by the rejection of his suit by that baron's beautiful wife—William may have acquired his knowledge of the disaffection of the English nobles through that very lady, who was his own natural daughter Margaret.

intelligence should be true; and returning in haste to London, he sent to his principal barons, demanding hostages for their allegiance and good faith. All obeyed the royal command except Eustace de Vesci and Robert Fitz Walter; the former, too deeply implicated apparently to entrust himself within the power of John, at once seeking refuge with his father-in-law in Scotland. The flight of De Vesci was amongst the causes which brought John to the north, for it appears that he had already written to William to claim the fugitive as a traitor. Norham, as usual, was the place chosen for the conference; but William, who had been for some time detained at Newbattle by another severe attack of illness, was unable to proceed farther than Haddington; and John, who had every reason for desiring, at this period of his reign, to draw still closer the bonds of union between himself and his fellow king, earnestly adjured him to depute the young Prince Alexander in his place, holding out magnificent promises to induce compliance. The aged king was inclined to send his son, some of his advisers agreeing with him; but the majority of his council strongly opposed the project, objecting to entrust the heir of Scotland within the power of John, of whose intentions they were, not unnaturally, suspicious. They were fearful, also, lest the English king should detain Alexander as a hostage for the delivery of De Vesci, and as William eventually deferred to their opinion, John was obliged to relinquish all hope of a conference, and return disappointed to the south.*

* *Fordun*, l. 8, c. 78. He is the only writer who notices these transactions, but his account is strongly borne out by a letter in the *Fœdera*, vol. 1, pt. 1, p. 108, to the emperor Otho, dated at Bamborough 28th January 1213, in which John writes that he has been detained in the north by arrangements for the security of that part of his kingdom. It is clear, there-

During William's contest with Earl Harald, Olave, the earl's brother-in-law, and John Halkelson, sailed from the Orkneys to assist the son of the Norwegian Regent Erling in placing Sigurd Magnusson upon his father's throne. Their fate was most unfortunate; the flower of the Orkneys assembled around the banner of Olave perishing, with both their leaders, in the disastrous battle of Floravagr; and their ill-omened expedition entailing the wrath of the conqueror upon Harald, who only made his peace with the indignant Sverer by yielding up to Norway the whole of the Shetland Isles. It was a diminished and impaired dominion, therefore, which Harald, upon his death in 1206, left as an inheritance between his three sons; Heinrek succeeding to his
A. D. 1206. claims upon Ross, whilst David and John divided his possessions in Caithness and the Orkneys, the latter, upon the death of David, becoming the sole possessor of both his father's earldoms.* To ensure the submission of Earl John to his authority, William, during the summer of 1214, proceeded as far as Moray, when the earl, unwilling to provoke the
A. D. 1214. hostility of his sovereign, yielded at once to his terms, giving up his daughter and heiress as a hostage for his fidelity and allegiance. The king then returned by easy journeys towards the south, but he had far over-taxed his feeble strength, having risen

fore, that he was upon the northern frontier in the early part of that year; and his abortive negotiations with the Scottish king might have easily escaped the notice of the English chroniclers amidst the important events that occurred so soon afterwards. From the commencement of the thirteenth century the authority of Fordun is of far greater weight than before, and I have found his statements frequently corroborated by the Fœdera and the Rolls. In the latter part of William's reign can be traced the elements of those parties which appear in the subsequent reigns (but more especially in that of Alexander the Third) as the English and Scottish factions.

* *Flatey Book in Col. de Reb. Alb.*, p. 354.

from a bed of sickness to ensure the tranquil succession of his son. As he approached the Forth he expressed a wish to be carried to Stirling, a place for which he appears to have felt an especial fondness; and here he lingered over the autumn within the walls of that royal castle, from whence his failing sight could gaze upon one of the fairest prospects of his native land. He was never destined to see another year, and on Thursday, the 4th of December, he breathed his last, expiring in the seventy-third year of his age, and within five days of entering upon the fiftieth of a chequered and eventful reign.*

Few materials remain for estimating the personal character of William beyond the actions ascribed to him in the chronicles of the period. Newbridge, perhaps a prejudiced authority, contrasts him unfavourably with his brother Malcolm, regarding many of his misfortunes in the early part of his career as punishments for his addiction to worldly pleasures, and attributing the comparative peace and prosperity of his later years—meaning the period of Richard's reign—to the beneficial effects of his marriage with Ermengarde de Bellomont.† He was a great man, however, in the opinion of the archdeacon of Brecknock, Giraldus Cambrensis, and worthy of praise in

* *Chron. Mel.* 1214. *Fordun*, l. 8, c. 79. The latter historian alludes to an old tradition that Stirling was once the spot where the territories of the Scots (*i.e.*, Picts) marched with those of the Britons.

† *Newbridge*, l. 2, c. 19. As he concluded his history in 1195, the *later years* of William must refer to Richard's reign. The influence of good Queen Margaret appears to have died out in the days of her great-grandchildren, and it is to this probably that the historian alludes, insinuating that it arose through the fault of their mother, Ada de Warenne. William left several illegitimate children. His sons were Robert de Lundoniis and Henry Gellatly, of whom little or nothing is known. His daughters were—1. Isabella, married in 1183 to Robert de Bruce, and in 1191 to Robert de Ros. 2. Ada, married in 1184 to Earl Patrick of Dunbar. 3. Margaret, married in 1192 to Eustace de Vesci; and 4. Aufrida, married to William de Say. *Vide Hailes' Annals*, vol. 1, p. 156.

many things, one blot only resting upon his glory—throughout the whole length and breadth of Scotland his will alone decided the disposal of church patronage, expressly imitating, in this respect, the policy of the English kings, stigmatized by the archdeacon as "the enormous abuses of the Norman tyranny in England."* Giraldus wrote in the spirit of a churchman of the twelfth century; but it must at least be admitted that it tells not a little for the energy of William's character, that in his contest with the Church of Rome, in the very zenith of her power, he was successful; neither legate nor pope bending him from his purpose, though they launched anathemas at his head, and were supported by Henry, at that time feudal overlord of Scotland. But though high-spirited and impetuous, even to rashness, in his youth and manhood, William appears to have been broken down by repeated attacks of illness as he advanced in life; and the reckless knight-errant, who rushed upon seven times his numbers at Alnwick, grew into an over-cautious sovereign, who aroused the discontent of his subjects, and risked the newly recovered independence of his kingdom, by his inordinate dread of the consequences of a rupture with England. Some allowance may be made for his anxiety to carry out the policy of his grandfather, and re-annex to the Scottish crown the appanage of his early years, which his brother had resigned at Chester; but from the comparative ease with which his successor crushed

* The passage occurs in the "Instructio Principis" of *Girald. Camb.* "Distinctio prima;" but I quote it from "*Innes's Sketches*," etc., p. 144, note 2. Giraldus probably wrote feelingly, for though twice elected to the see of St. Davids, the choice of the Chapter was not confirmed. Right or wrong, the Scottish sovereigns seem to have persevered in William's policy, and when Robert Bruce conferred the earldom of Moray upon Randolph "in libero comitatu et in liberâ regalitate," the church patronage was expressly reserved. *Reg. Morav.* No. 264.

every rebellion within a few years of his accession, firmly established the royal authority over the whole mainland of Scotland, and vindicated on every occasion the liberties of his crown and kingdom, it is very evident that William carried his caution too far; and though circumstances may have been more favourable to his son, the temporizing policy of William towards the close of his life must have increased, rather than diminished, the difficulties of his situation. From the use of the lion rampant upon his seal, a device which has since become the well-known cognizance of Scotland, he was very frequently known as "William the Lion;" and the names of *Rufus* and *Garw*—or the Rough—have also been applied to him, indicating, apparently, some distinguishing feature in his character, or personal appearance.* By his marriage with Ermengarde de Bellomont, he left four children; an only son, Alexander, who succeeded to the throne, and three daughters, Margaret, Isabella, and Marjory. Margaret, the eldest, was married to Hubert de Burgh, and left an only daughter, Magota, who died apparently at an early age. Isabella became the wife of Roger Bigod, Earl of Norfolk; and Marjory, who appears to have been celebrated for her beauty, which made a deep impression upon the susceptible heart of Henry the Third, was subsequently united to Gilbert the Mareschal, Earl of Pembroke, both the younger princesses dying without issue.

The lengthened reign of William was the era of the more complete development of David's changes in church and state; and Scotland, at the opening of the thirteenth century, was fast progressing towards

* *Innes's Appendix*, No. 1, sec. 3. *Wynton* (*Macpherson*), note to bk. 7, c. 8, l. 20.

the condition of a thoroughly feudalized kingdom in her more settled portions. Traces of her earlier institutions, however, were still abundant; the more lenient custom, for instance, of the allodial system, by which the property of the felon was not confiscated but descended at once to the heir, was confirmed as the general law of Scotland, the strict feudal theory being, in other words, relaxed in favour of "ancient custom;" though where the homicide, or cattle-lifter, escaped the penalty of the crime by flight, his property reverted to the lord, the heir only succeeding on the death of the forfeited proprietor. Even sedition against the king did not disinherit the heir, if the property was not held directly of the crown; but for treason against the royal person both life and lands were irretrievably forfeited. Another concession in favour of "ancient custom," perhaps, is traceable in the permission granted to the kindred of a murdered man to take full legal vengeance on the homicide, even when under the protection of "the king's peace," if they could prove that their consent had not been obtained to compromise the feud; though, from the wording of the law in question, this relaxation of the royal power of pardoning the highest offences, may have been confined to the case of a murdered witness. In most other respects the usual feudal customs were generally established; the charter was required as a necessary document for every freeholder—a stringent enactment being levelled against all who were convicted of forging such evidence of rights to which they were not entitled; and the Visnet was fast becoming the recognised law of the land. Galloway alone formed an exception, in this point, to the rest of Scotland, retaining her ancient code; no Galwegian being judged

by "the verdict of the neighbourhood," except at his especial demand; but very strict rules were laid down for its substitute, "the wager of battle,"—a fine of *ten cows* being enacted for speaking during the progress of a judicial combat; he who raised his hand, or made a sign, being "at the king's mercy." The fines assessed at Dumfries by "the Judges of Galloway," appear, indeed, to have been heavier than in Scotland proper; and the regulations about collecting the king's *Can* in this turbulent province, are marked with a degree of severity which seems to point to a state of society in which the royal imposts were still regarded as unwelcome novelties, all recusants being mulcted in *a hundred cows*, and bound to pay one-third more than the original demand. Agriculture was still a subject of legislation, and the regulations of David, which discouraged pasturage, were repeated; the barons and greater clergy being exhorted "to live like lords and masters upon their own domains, not like husbandmen and shepherds, wasting their lands and the country with multitudes of sheep and cattle, thereby troubling God's people with scarcity, poverty, and utter *hership*." Constant travelling with a retinue unnecessarily large, was also a social feature which it was still necessary to discountenance; as well as *sorning*, or living at free quarters; and unnecessary exaction of *herbary*, or food and lodging for the night; the repetition of David's laws on all these points displaying the tenacity with which the native baronage clung to the habits of an earlier age, the sole difference noticeable in the later enactments of William pointing to one of those changes from a simpler state of society, which the progress of civilization is sure to introduce upon "the good old times"—the herbary which, in the time of

David, was to be given "for the sake of charity," in the reign of his grandson was to be duly recompensed—*with pence.**

But though the regulations of David still continued to be the ground-work of the Scottish constitution, certain modifications were introduced by William which tended still further to increase the power of the crown. In the fifteenth year of his reign, "on the Monday before the festival of St. Margaret" in 1180, in one of these great assemblies of the whole Frank-tenantry of the kingdom, lay and ecclesiastical, in which the germs of future parliaments are traceable, and which, on this occasion, was held at Stirling, it was agreed that, for the future, none were to hold ordinary courts of justice, or a court of ordeal, whether "of battle, iron, or water," except in the presence of the sheriff, or of one of his serjeants; though, if the official, after due summons, failed to attend, the court might be held in his absence. At the same time, the four great pleas, which had been removed from the jurisdiction of burgh provosts and baron baillies in the reign of David, were reserved absolutely for the crown.† Seventeen years later, in 1197, perhaps in consequence of abuses in the exercise of authority, these minor courts were further regulated by an ordinance passed in a similar "Parliament" held at Perth, and attended by "the Bishops,

* *Assize Will.*, 9, 29, 15, 8, 22, 23, 37, 38, 42. *Assize David*, 26, 27, 28. The right of the heir to inherit, in spite of the felony of his ancestor or kinsman, will be found in the old Germanic laws as well as in the Gavelkind tenure, which was originally allodial.

† *Assize Will.* 12. *Assize David* 12. In David's time it was frequently "the royal judge" who sat in the lesser courts. The sheriffdom was not universally established, at any rate, before the close of his reign. From the wording of his enactment, "prepositus vel ballivus ville," it would appear that before his reign every "lord of a vill," in other words, every "lord of the manor,"—or his equivalent—had the power of life and death.

Abbots, Earls, Barons, Thanes, and Community of the Realm;" in which the great barons were pledged to give no support to law-breakers, whether their own followers or others, and to take no money for remission of judgment after sentence had been duly passed; all failing in their duty, in either of these points, being condemned to forfeit for ever their right to hold a court.* The regulations of David about the great royal *moots*, and about the sheriffs' courts, were also modified at some period of William's reign; and it was ordered that two great assemblies were to be held yearly at Edinburgh and Peebles, at which every freeholder was bound to attend, unless prevented by sickness, or other sufficient cause. In every province the sheriff was to hold a court every forty days—in this particular following the Norman, or Frank, rather than the Saxon custom; but bishops, abbots, earls, and probably the greater barons who enjoyed "the rights and custom of an earl," were now excused from personal attendance, appearing by their Seneschals or Stewards, and only being bound to attend in person upon the court of the royal justiciary, or of his deputy.† Henceforth the privilege of a "Regality" was confined to the greater barons or clergy, upon whom it was conferred by royal favour; a sure sign of the progress of order, and of the royal

* *Assize Will.* 20. *Hoveden* 1197 (p. 440). His words are, "Eodem anno Willielmus rex Scottorum *de bono sumens exemplum*, fecit homines regni sui jurare quod pacem pro posse suo servarent, et quod nec latrones, nec robatores, nec utlagi nec receptatores eorum essent, nec in aliquo eis consentirent, et quod cum hujusmodi malefactores scire potuerint, illos pro posse suo caperent et destruerent," exactly tallying with the regulations of the Council of Perth. From the expression *de bono sumens exemplum*, it would appear that he followed some English example.

† *Assize Will.* 25, 19. *Assize David* 25. In the reign of David all the greater magnates attended in person the royal Moots, held every forty days, which in William's reign probably became Sheriffs' Moots. The expression "all who have the freedom and custom of an earl," occurs *Assize David* 16.

authority. It may be remarked that a Regality in the feudal period was generally on some frontier; or was a district made over to some powerful noble to control, as he best might, by the strong hand; and in England, the sole provinces of this description were the *Palatinates* of Chester and Durham, the former on the Welsh frontier, the latter upon the borders of that turbulent Northumbrian province which, at one period, could be scarcely reckoned as an integral, or settled, portion of either England or Scotland. David probably interfered but little with the privileges of the ancient earls within their immediate possessions, limiting his innovations upon their earlier duties and prerogatives to the introduction of the royal *Vicecomes:* but William was enabled to advance a step further; the royal authority was becoming firmer, and was now made paramount throughout the settled portion of Scotland, except where the greater barons or higher clergy were specially privileged; though the right to execute within the precincts of his own barony the homicide taken "red-hand," or the robber captured with the stolen cattle, still remained the privilege of every baron who claimed the jurisdiction of "pit and gallows."

In pursuance of his usual line of policy, William also carried out the ecclesiastical and commercial measures of his predecessors, ordering the general payment of tithes and dues throughout the kingdom, defining the means by which his edicts were to be put in force, and assimilating the dioceses of Aberdeen and Moray to the model bishoprics of Glasgow and St. Andrews.* More than this he appears to have been unable to effect, for the church lands in the sees

* *Vide* the earlier charters in the Registers of Moray, Aberdeen, and Glasgow, particularly *Reg. Morav.* No. 5. *Glas.* 13, 70.

of Brechin and Dunblane were still in the possession of great lay feudatories, disinclined as yet to restore the property to the bishops, and too powerful to be rendered discontented by any overprompt measures of alienation. Even in Dunkeld the chapter was not as yet provided for; Ross was in a chronic state of rebellion during the greater part of this reign; and Caithness was at this time hardly more than a nominal province of Scotland. Only one religious foundation is ascribed to William, the monastery of Arbroath, which he dedicated to the memory of Thomas à Becket, with whom he is sometimes said to have been on terms of familiar intimacy at the English court in his earlier years; and from the date of this tribute to the memory of the martyred archbishop, which was completed and endowed within a very few years after the king's return from captivity, it would certainly appear as if William had been very much impressed at the time by the peculiar circumstances of his capture.*

Though David may be regarded unquestionably as the founder of the Scottish burghs, many were indebted to William for the earliest charters confirmatory of their original privileges. Monopoly was, as usual, ensured to the privileged class within the walls, no one being allowed to sell the produce of his lands or flocks except to burgesses;† commerce, thus forbidden to the nobility, was confined to the burgher class; and the result was the same all over Europe. There is not a trace amongst the Teutonic people, in early times, of that broad line of distinction which grew up in a later age between the soldier and the merchant, the man of arms and

* *Vide* chap. 10, p. 352, 357, notes. *Chron. Lanerc.* 1213.
† *Assize Will.* 40.

the man of commerce—though the few actual trades, or rather handicrafts, of the period, were probably confined to the unfree. "Biorn the merchant" was the son of a king, and the spirit of commerce was strongly developed amongst the early Northmen. But the burghers claimed it as their exclusive privilege, and their monopolies were fostered and encouraged, stringent laws prohibiting the *upland* nobility from entering into competition with the freemen within the walls; and accordingly they soon grew to despise pursuits in which they were thus precluded from engaging. No such restrictions existed in Italy, and her merchants were amongst the noblest in the land. Elsewhere the exclusive monopolies of a *Roturier* class very much contributed to stamp commerce, in the Middle Ages, as a pursuit generally confined to the low-born. David's commercial, like his religious, foundations were principally to the southward of the Forth—his views were directed towards Northumberland—and though many of his burghs were planted to the northward of that river, and particularly in the forfeited province of Moray, it is from the confirmatory charters of William that their existence is first discovered. Not a few additions were also made by William to the number of Scottish burghs—foremost in importance to future ages the bishop's burgh of Glasgow—and Galloway, Scottish Cumbria, and the northern and eastern coasts of Scotland proper, were studded with commercial garrisons. Berwick still appears to have monopolized the foreign trade, and its importance may be best appreciated by the clause inserted in one of the treaties between John and William, engaging the English king to stop the further progress of the castle at Tweedmouth, which had evidently

been intended to aim a fatal blow at the most flourishing emporium of Scottish commerce.* But it was upon the northern and eastern coasts of *Scotia* proper, and upon that portion of the northern coast which had been reclaimed from *Moravia* by the establishment of Inverness, that the progress and advancement of the kingdom were most marked in William's reign. David's favourite residences appear to have been generally in the south and centre of his kingdom, but William was often in the north, and many of his charters are dated from Forfar and Aberdeen, and from the Moray burghs of Nairn, Forres, Elgin, and Inverness. The latter burgh was a thorough garrison, and in return for certain privileges which its inhabitants enjoyed over other burgesses, they were bound to keep in good repair the ditch and rampart, which the king had thrown up around the town. Most of the great families which are still to be found in this quarter—Chisholms, Roses, Bissetts now represented by the Frasers, and others—are of Scoto-Norman origin, descendants of the auxiliaries planted in, by the Scottish kings, "in the times of eld," to defend the lands they had won from the supporters of Mac Heth, or Mac William; their names, though they have long been enrolled most worthily in the ranks of "Scottish Highlanders," yet recalling the time in which the ancient house of Moray was finally crushed by the power of the rival house of Atholl; and when the hereditary earldom of Macbeth was the real *march* of royal Scotland towards the north, held by the disciplined valour of the Normans. Inverness was the key of the lowlands

* *Robertson's Index Introd.* p. xx. *Neg. tang. Angl.* No. 4. Scone was probably the port to which foreign traders brought their wares in the days of Malcolm and Margaret. A very full and interesting account of the Scotch Burghs will be found in "*Innes's Sketches, etc.*," c. 5.

of Moray, and in many respects an outpost of civilization, from which, in the next reign, the royal power extended still further over the north and west. The views of David were turned southwards, and he never ceased to hope that the ancient territories of the Northumbrian Ealdormen might yet be numbered amongst the appanages of the Scottish crown. But William, in his later years, if the Scottish version of his secret treaty with John is correct, was ready to waive his claims upon Northumberland; and as the unsubstantial vision of the fair English earldom faded from his sight, he may have directed his attention more exclusively to his own kingdom, and have inaugurated that wiser line of policy which, in the course of his son's reign, united the whole of the Scottish mainland in loyal obedience to the king.

END OF VOL. I.

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